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SALUS POPULI SUPREMA LEX ESTO

*“The welfare of the people shall be the supreme law.”*



JASON KANDER  
SECRETARY OF STATE

MISSOURI  
REGISTER

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July 1, 2016 July 15, 2016	<b>August 1, 2016</b> <b>August 15, 2016</b>	August 31, 2016 August 31, 2016	September 30, 2016 September 30, 2016
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Documents will be accepted for filing on all regular workdays from 8:00 a.m. until 5:00 p.m. We encourage early filings to facilitate the timely publication of the *Missouri Register*. Orders of Rulemaking appearing in the *Missouri Register* will be published in the *Code of State Regulations* and become effective as listed in the chart above. Advance notice of large volume filings will facilitate their timely publication. We reserve the right to change the schedule due to special circumstances. Please check the latest publication to verify that no changes have been made in this schedule. To review the entire year's schedule, please check out the website at <http://www.sos.mo.gov/adrules/pubsched.asp>

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The *Missouri Register* and the *Code of State Regulations*, as required by the Missouri Documents Law (section 181.100, RSMo Supp. 2014), are available in the listed participating libraries, as selected by the Missouri State Library:

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Eden/Webster Library Eden Theological Seminary/ Webster University 475 East Lockwood Ave. St. Louis, MO 63119-3192 (314) 961-2660 ext. 7812	Rutland Library Three Rivers Community College 2080 Three Rivers Blvd. Poplar Bluff, MO 63901-2393 (573) 840-9656	Missouri State Archives 600 West Main, PO Box 778 Jefferson City, MO 65102-0778 (573) 526-6711	Lyons Memorial Library College of the Ozarks General Delivery Point Lookout, MO 65726-9999 (417) 334-6411 ext. 3551
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Washington University Law Library Washington University Campus Box 1171, Mudd Bldg., One Brookings Dr. St. Louis, MO 63130-4899 (314) 935-6443	Kansas City Public Library 14 West 10th Street Kansas City, MO 64105 (816) 701-3546	Library State Historical Society of Missouri 1020 Lowry St. Columbia, MO 65211-7298 (573) 882-9369	Springfield-Greene County Library 4653 S. Campbell Springfield, MO 65801-0760 (417) 874-8110
St. Louis County Library 1640 S. Lindbergh Blvd. St. Louis, MO 63131-3598 (314) 994-3300 ext. 247	Law Library University of Missouri-Kansas City 5100 Rockhill Road Kansas City, MO 64110-2499 (816) 235-2438	Daniel Boone Regional Library PO Box 1267, 100 West Broadway Columbia, MO 65205-1267 (573) 443-3161 ext. 359	Meyer Library Missouri State University PO Box 175, 901 S. National Springfield, MO 65804-0095 (417) 836-4533
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## HOW TO CITE RULES AND RSMo

**RULES**—Cite material in the *Missouri Register* by volume and page number, for example, Vol. 28, *Missouri Register*, page 27. The approved short form of citation is 28 MoReg 27.

The rules are codified in the *Code of State Regulations* in this system—

Title	Code of State Regulations	Division	Chapter	Rule
1	CSR	10-	1.	010
Department		Agency, Division	General area regulated	Specific area regulated

They are properly cited by using the full citation, i.e., 1 CSR 10-1.010.

Each department of state government is assigned a title. Each agency or division within the department is assigned a division number. The agency then groups its rules into general subject matter areas called chapters and specific areas called rules. Within a rule, the first breakdown is called a section and is designated as (1). Subsection is (A) with further breakdown into paragraph 1., subparagraph A., part (I), subpart (a), item I. and subitem a.

**RSMo**—The most recent version of the statute containing the section number and the date.

**T**he Secretary of State shall publish all executive orders beginning January 1, 2003, pursuant to section 536.035.2, RSMo Supp. 2014.

EXECUTIVE ORDER  
16-08

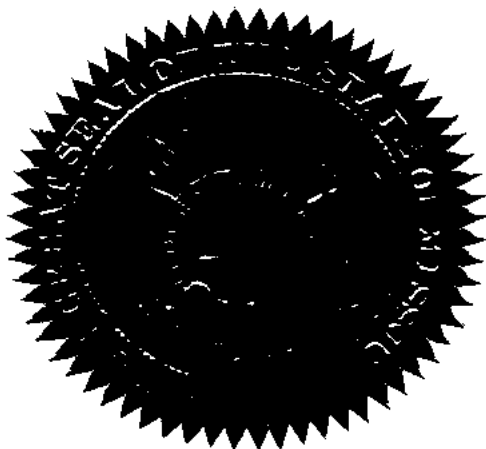
TO ALL DEPARTMENTS AND AGENCIES:


This is to advise that state offices will be closed on Friday, November 25, 2016.

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Missouri, in the City of Jefferson, on this 24th day of October, 2016.

  
Jeremiah W. (Jay) Nixon  
Governor

ATTEST:



  
Jason Kander  
Secretary of State

**U**nder this heading will appear the text of proposed rules and changes. The notice of proposed rulemaking is required to contain an explanation of any new rule or any change in an existing rule and the reasons therefor. This is set out in the Purpose section with each rule. Also required is a citation to the legal authority to make rules. This appears following the text of the rule, after the word "Authority."

**E**ntirely new rules are printed without any special symbolology under the heading of proposed rule. If an existing rule is to be amended or rescinded, it will have a heading of proposed amendment or proposed rescission. Rules which are proposed to be amended will have new matter printed in boldface type and matter to be deleted placed in brackets.

**A**n important function of the *Missouri Register* is to solicit and encourage public participation in the rulemaking process. The law provides that for every proposed rule, amendment, or rescission there must be a notice that anyone may comment on the proposed action. This comment may take different forms.

**I**f an agency is required by statute to hold a public hearing before making any new rules, then a Notice of Public Hearing will appear following the text of the rule. Hearing dates must be at least thirty (30) days after publication of the notice in the *Missouri Register*. If no hearing is planned or required, the agency must give a Notice to Submit Comments. This allows anyone to file statements in support of or in opposition to the proposed action with the agency within a specified time, no less than thirty (30) days after publication of the notice in the *Missouri Register*.

**A**n agency may hold a public hearing on a rule even though not required by law to hold one. If an agency allows comments to be received following the hearing date, the close of comments date will be used as the beginning day in the ninety- (90-) day-count necessary for the filing of the order of rulemaking.

**I**f an agency decides to hold a public hearing after planning not to, it must withdraw the earlier notice and file a new notice of proposed rulemaking and schedule a hearing for a date not less than thirty (30) days from the date of publication of the new notice.

*Rescinded: Filed Oct. 14, 2016.*

*PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

*PRIVATE COST: This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Missouri Department of Transportation, Pam Harlan, Secretary to the Commission, PO Box 270, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

**Title [4]7—DEPARTMENT OF [ECONOMIC DEVELOPMENT] TRANSPORTATION  
Division 265—[Division of] Motor Carrier and Railroad Safety  
Chapter [2]10—[Practice and Procedure] Motor Carrier Operations**

**PROPOSED AMENDMENT**

*[4 CSR 265-2.030] 7 CSR 265-10.017 Records of the Division.* The Missouri Highways and Transportation Commission is moving the rule, amending section (1), and deleting sections (2), (3), and (4) and form 4190307.

*PURPOSE: This proposed amendment updates the process of maintaining records and replaces Administrative Law Judge with Administrative Hearing Commission.*

*PUBLISHER'S NOTE: The secretary of state has determined that the publication of the entire text of the material which is incorporated by reference as a portion of this rule would be unduly cumbersome or expensive. This material as incorporated by reference in this rule shall be maintained by the agency at its headquarters and shall be made available to the public for inspection and copying at no more than the actual cost of reproduction. This note applies only to the reference material. The entire text of the rule is printed here.*

(1) The director of the Missouri Department of Transportation Motor Carrier Services division, or the director's designee, shall [keep a full and true record of all the proceedings of the division, of all books, maps, documents and papers ordered filed by the division and of all orders made by each of the administrative law judges. In addition, the director shall] maintain a [docket] record of all proceedings filed [with proceedings set for hearing and shall assign each matter an appropriate docket number] with the Administrative Hearing Commission. [These] Open records shall be available for public inspection and copying [at the office of the director from 8:00 a.m. to 12:00 noon, and 1:00 p.m. to 5:00 p.m., Monday through Friday, except for legal holidays or as otherwise provided in subsection (1)(A) of this rule].

(A) The following records of the division, or possessed by the division, shall be closed records, and shall not be open to public inspection or copying, or made public, except as otherwise provided by order or permission of a court, the [division's a]Administrative [law judge] Hearing Commission, or when formally filed with the division in a hearing or proceeding, or when otherwise required to be made public under the rules of the division or Chapters 386—391,

Proposed Amendment Text Reminder:

**Boldface text indicates new matter.**

*[Bracketed text indicates matter being deleted.]*

**Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT  
Division 265—Division of Motor Carrier and Railroad Safety  
Chapter 2—Practice and Procedure**

**PROPOSED RESCISSION**

**4 CSR 265-2.020 Principal Offices.** This rule announced the principal offices of the Division of Motor Carrier and Railroad Safety.

*PURPOSE: This rule is being rescinded because the division and section names, as well as the address, are obsolete.*

*AUTHORITY: section 622.027, RSMo 1994. Emergency rule filed June 14, 1985, effective July 1, 1985, expired Oct. 28, 1985. Original rule filed Aug. 1, 1985, effective Oct. 29, 1985. For intervening history, please consult the Code of State Regulations.*

RSMo. The closure of records to public access under this subsection shall not be deemed to preclude lawful discovery of these records by a party in an administrative or court proceeding:

1. All records which may be closed records under Chapter 610, RSMo;

2. Under section 386.480, RSMo, all information furnished to the division or its employees by any motor carrier, [railroad corporation, street railroad corporation,] their agents or employees, or by any corporation or person subject to the jurisdiction of the division, pursuant to the requirement of any statute or court order, any rule, order, or subpoena of the division or [its] the [a]Administrative [law judge] **Hearing Commission**, or any audit, investigation, or discovery by the division staff, except that insurance certificates, surety bonds, endorsements and cancellation notices filed pursuant to section 390.126, RSMo or [4/7 CSR 265-10.030 shall be open records;

3. Under **Title 49, United States Code (U.S.C.)**, section 523(c), **which is incorporated herein by reference and made a part of this rule as published in 2016 by the U.S. Government Printing Office, 732 North Capitol Street, NW, Washington, DC 20401-0001, and which does not incorporate any subsequent amendments or additions**, all records or information acquired by division staff during an inspection of the equipment or records of a motor carrier[, a private carrier by motor vehicle] or a lessor of equipment to such a carrier, if that inspection was delegated and funded or reimbursed by the Secretary of Transportation of the United States under 49 **Title U.S.C. section 504, which is incorporated herein by reference and made a part of this rule as published in 2016 by the U.S. Government Printing Office, 732 North Capitol Street, NW, Washington, DC 20401-0001, and which does not incorporate any subsequent amendments or additions;** and

4. Under section 387.310, RSMo, any fact or information received by the division or its staff during the course of any inspection or examination of [railroad corporations, street railroad corporations and] common carriers.

*[(2) The director of the division shall be the official custodian of records for the division and shall be responsible for maintaining the division's records. The director may delegate some or all of his/her custodial duties to division personnel under his/her supervision. Requests for access to or copies of public records of the division may be made in writing addressed to Director, Missouri Division of Motor Carrier and Railroad Safety, P.O. Box 1216, Jefferson City, MO 65102 or in person at the division's principal office. Copies of records, papers and official documents furnished to public officers for use in their official capacity will be provided without charge. All other persons requesting copies of public records of the division shall be liable for the actual cost of document search and duplication, and shall make payment, in full, within thirty (30) days of invoice.*

*[(3) Every person who requests access to public records of the division may be required, before access is granted, to deposit a driver's license or other positive identification as a security deposit with the custodian of records, to be retained until the person finishes reviewing the records and returns the records to the custodian. No person shall damage, mutilate, deface or otherwise alter the original records of the division, except duly authorized state personnel in the course of the authorized destruction of records as prescribed by law, nor shall any person remove any original records of the division from the offices of the division without the written permission of the custodian of records or his/her authorized representative.*

*[(4) For a certificate authorizing an issue of bonds, notes or other evidences of indebtedness, a fee of one dollar (\$1) will be charged for each thousand dollars of the face value of the authorized issue or fraction of it, up to one (1) million dol-*

*lars; and a fee of fifty cents (50¢) will be charged for each one thousand dollars (\$1000) over one (1) million dollars and up to ten (10) million dollars; and a fee of twenty-five cents (25¢) will be charged for each one thousand dollars (\$1000) over ten (10) million dollars, with a minimum fee in any case of twenty-five dollars (\$25); provided, that no fee shall be charged for an issue or that part of an issue which is made for the purpose of guaranteeing, taking over, refunding, discharging or retiring any bond, note or other evidence of indebtedness up to the amount of the issue guaranteed, taken over, refunded, discharged or retired.]*

*AUTHORITY: section 622.027, RSMo [1994] 2000. Emergency rule filed June 14, 1985, effective July 1, 1985, expired Oct. 28, 1985. Original rule filed Aug. 1, 1985, effective Oct. 29, 1985. For intervening history, please consult the Code of State Regulations. Moved and amended: Filed Oct. 14, 2016.*

*PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

*PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Department of Transportation, Pam Harlan, Secretary to the Commission, PO Box 270, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

#### **Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT Division 265—Division of Motor Carrier and Railroad Safety Chapter 2—Practice and Procedure**

#### **PROPOSED RESCISSION**

**4 CSR 265-2.040 Practice by Attorneys.** This rule set forth who may practice as an attorney before the division.

*PURPOSE: This rule is being rescinded because it is unnecessary.*

*AUTHORITY: section 622.027, RSMo 1986. Emergency rule filed June 14, 1985, effective July 1, 1985, expired Oct. 28, 1985. Original rule filed Aug. 1, 1985, effective Oct. 29, 1985. Rescinded: Filed Oct. 14, 2016.*

*PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

*PRIVATE COST: This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Missouri Department of Transportation, Pam Harlan, Secretary to the Commission, PO Box 270, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

**Title [4]7—DEPARTMENT OF [ECONOMIC DEVELOPMENT] TRANSPORTATION**  
**Division 265—[Division of] Motor Carrier and Railroad Safety**  
**Chapter [2]10—[Practice and Procedure] Motor Carrier Operations**

**PROPOSED AMENDMENT**

[4 CSR 265 2.050] 7 CSR 265-10.051 **Computation of Effective Dates.** The Missouri Highways and Transportation Commission is moving the rule and amending sections (1) and (4).

*PURPOSE:* This proposed amendment replaces Administrative Law Judge with Administrative Hearing Commission.

(1) In computing any period of time prescribed or allowed by the Missouri Department of Transportation Motor Carrier Services [d]Division, the day that the division order is issued is not to be included. The last day of the period will be included unless it falls on a Saturday, Sunday, or state holiday in which case it is extended to the end of the next working day.

(4) When an act is required or allowed to be done at or within a specified time, the [a]Administrative [law judge section] **Hearing Commission**, at its discretion, may—

*AUTHORITY:* section 622.027, RSMo [1986] 2000. Emergency rule filed June 14, 1985, effective July 1, 1985, expired Oct. 28, 1985. Original rule filed Aug. 1, 1985, effective Oct. 29, 1985. Amended: Filed July 31, 1986, effective Oct. 27, 1986. Moved and amended: Filed Oct. 14, 2016.

*PUBLIC COST:* This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

*PRIVATE COST:* This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

*NOTICE TO SUBMIT COMMENTS:* Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Department of Transportation, Pam Harlan, Secretary to the Commission, PO Box 270, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title [4]7—DEPARTMENT OF [ECONOMIC DEVELOPMENT] TRANSPORTATION**  
**Division 265—[Division of] Motor Carrier and Railroad Safety**  
**Chapter [2]10—[Practice and Procedure] Motor Carrier Operations**

**PROPOSED AMENDMENT**

[4 CSR 265-2.055] 7 CSR 265-10.052 **Name and Address Changes for Motor Carriers[, Railroad Corporations and Certain Contracting Shippers].** The Missouri Highways and Transportation Commission is amending sections (2) and (5), deleting sections (1), (3), (4), (6), and (7); and renumbering sections (2), (5), and (8), amending the title, moving the rule, and deleting form A and A-1.

*PURPOSE:* This proposed amendment removes obsolete programs, procedures, and references and updates the location reference of a coordinating rule.

*Editor's Note:* The following material is incorporated into this rule by reference:

1) Missouri Division of Transportation, Single State Registration System SSRS Procedures Manual (Jefferson City, MO: Department of Economic Development, Revised July 1, 1994).

In accordance with section 536.031(4), RSMo, the full text of material incorporated by reference will be made available to any interested person at the Office of the Secretary of State and the headquarters of the adopting state agency.

(1) A motor carrier's change of address from one (1) state to a different state and a motor carrier's change of name shall not be recognized by the division until approved by order of the division's administrative law judge. Until the carrier has filed with this division the request and documentation required under this rule, and until an order approving any motor carrier's change of address to a different state or motor carrier's change of name has been issued, the division may continue to mail or deliver any notices, orders and other correspondence to the carrier in the previous name and at the previous address as it appears on record with the division, and this mailing or delivery shall be valid as if no change of name or address had occurred.]

[(2)](1) Motor carriers holding intrastate operating authority from [this] the Missouri Department of Transportation Motor Carrier Services [d]Division shall file with the division, not later than five (5) days after a change of name [(including any fictitious name)] or change of address of their principal place of business becomes effective, a written request that the division record the carrier's change of name, change of address, or both. The request shall state the numbers of every certificate and permit issued to that carrier by the division and currently in force, including both active and suspended authority. The division shall not recognize or approve a change of name or change of address under this section until the carrier has complied with the following requirements:

(A) New certificates of insurance or surety bonds setting forth the carrier's new name and address shall be filed with and approved by the division, in accordance with [4]7 CSR 265-10.0/30/52;

(B) If the change involves any change of name by a corporation, limited liability partnership or any change of fictitious name of any person holding intrastate operating authority, notice of the change of name or change of fictitious name shall be filed with the Missouri secretary of state, as otherwise required by law; and

(C) If the carrier becomes a nonresident as a result of a change of address and the carrier does not maintain an office or agent in this state, it shall file with the division a writing which designates [the director of this division as] the carrier's authorized agent upon whom legal service may be [had] made in all actions arising in this state from any operation of a motor vehicle under authority of any certificate or permit issued to the carrier.

[(3)] Motor carriers holding Interstate Commerce Commission (ICC) operating authority which have been registered with this division, as required under 4 CSR 265-2.065, shall notify this division of every change of name or address as required by the Single State Registration System (SSRS) Procedures Manual.

(4) Motor carriers holding an interstate permit issued by this division authorizing operations exempt from ICC regulation shall notify this division of every change of name (including fictitious names), and every change of address of their principal place of business, in writing, within five (5) days after the effective date of the change. The division shall not recognize or approve a change of name or change of address under this section until the carrier has complied with the following requirements:



(A) In the case of a change of name, the carrier shall file with the division a new Uniform Application for Registration of Interstate Operations Exempt from Economic Jurisdiction of ICC (Form A-1), clearly marked in the upper right-hand corner with the words Name Change Only or Name and Address Change and the carrier's interstate permit number assigned by this division; and

(B) New certificates of insurance or surety bonds setting forth the carrier's new name and address shall be filed with and approved by the division, in accordance with 4 CSR 265-10.030.]

[(5)](2) If a motor carrier's change of name involves any change in the form of business entity owning the operating authority, such as changing from an individual to a partnership or corporation, or changing from a corporation or partnership to an individual, these changes are transfers within the meaning of section 390.111, RSMo. [Except as otherwise provided under subsections (3)(A) and (4)(A) of this rule, b]Both the transfer [or] and transferee shall apply to the division for approval of every transfer as required under [4]7 CSR 265-[2.066]10.015.

[(6) Motor carriers holding authority from this division to operate both in intrastate and interstate commerce shall comply with all applicable provisions of sections (1)–(5) of this rule.

(7) Every railroad corporation, within the meaning of section 386.020, RSMo, which owns, holds, operates, controls or manages a railroad located within this state shall notify this division of every change of its true name, fictitious or assumed name, address of its principal office, and mailing address, if different, within five (5) days after the change of name or address becomes effective, by filing with the division a written request by an authorized employee, officer or agent of the railroad corporation, that the division record the carrier's new name and address. Until the carrier has filed with this division the request and documentation required under this rule, and until an order approving any rail carrier's change of address to a different state or rail carrier's change of name has been issued, the division may continue to mail or deliver any notices, orders and other correspondence to the carrier in the previous name and at the previous address as it appears on record with the division, and this mailing or delivery shall be valid as if no change of name or address had occurred.]

[(8)](3) Every contract carrier holding a contract carrier permit issued by the division under section 390.061, RSMo, which authorizes the intrastate transportation of passengers or household goods, shall file with the division, not later than five (5) days after learning of any change of name or change of address of a contracting shipper named in the permit, a written request that the division record the shipper's change of name, change of address, or both. The request shall state the carrier's own name and the number assigned to the contract carrier permit by the division, together with the former name and address of the shipper, and the new name and address of the shipper. The carrier shall attach a copy of a letter or other writing from the shipper giving notice of the change of name or address, or both. This section shall also apply if the shipper's change of name involves any change of the entity under contract with the carrier, by incorporation, merger, or consolidation of the shipper, or by the shipper's assignment or delegation of the contract or contract rights to another entity.

AUTHORITY: section 622.027, RSMo [1994] 2000. Original rule filed May 2, 1991, effective Dec. 9, 1991. For intervening history, please consult the Code of State Regulations. Moved and amended: Filed Oct. 14, 2016.

PUBLIC COST: This proposed amendment will not cost state agen-

cies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Department of Transportation, Pam Harlan, Secretary to the Commission, PO Box 270, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT**  
**Division 265—Division of Motor Carrier and Railroad Safety**  
**Chapter 2—Practice and Procedure**

**PROPOSED RESCISSION**

**4 CSR 265-2.057 Interpretation of Federal Preemption Under Section 601 of the Federal Aviation Administration Authorization Act of 1994.** This rule contained the division's interpretation of the effects of federal preemption on its regulation of intrastate motor carriers of property (except household goods) in Missouri intrastate commerce.

PURPOSE: This rule is being rescinded because it was found to be redundant. It is an interpretation of federal law.

AUTHORITY: section 622.027, RSMo 1994. Emergency rule filed Dec. 1, 1994, effective Dec. 11, 1994, expired Dec. 19, 1994. Emergency rule filed Dec. 20, 1994, effective Jan. 1, 1995, expired April 30, 1995. Emergency rule filed April 20, 1995, effective May 1, 1995, expired Aug. 28, 1995. Emergency rule filed Aug. 18, 1995, effective Aug. 29, 1995, expired Feb. 24, 1996. Original rule filed Aug. 3, 1995, effective Feb. 25, 1996. Emergency rescission and rule filed Aug. 16, 1996, effective Aug. 28, 1996, expired Feb. 23, 1997. Rescinded: Filed Oct. 14, 2016.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Missouri Department of Transportation, Pam Harlan, Secretary to the Commission, PO Box 270, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT**  
**Division 265—Division of Motor Carrier and Railroad Safety**  
**Chapter 2—Practice and Procedure**

**PROPOSED RESCISSION**

**4 CSR 265-2.065 Applications for Interstate Motor Carrier Permits and Intrastate Regular Route Passenger Certificates Issued Pursuant to 49 U.S.C. Section 10922(c)(2).** This rule contained the

requirements which an application for interstate motor carrier permits, certain intrastate regular route passenger certificates and transfer of those certificates must meet.

*PURPOSE: This rule is being rescinded because the programs it refers to are obsolete (no longer exist).*

*AUTHORITY: section 622.027, RSMo 1994. Emergency rule filed Aug. 1, 1986, effective Aug. 13, 1986, expired Oct. 23, 1986. Original rule filed July 31, 1986, effective Oct. 27, 1986. For intervening history, please consult the Code of State Regulations. Rescinded: Filed Oct. 14, 2016.*

*PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

*PRIVATE COST: This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Missouri Department of Transportation, Pam Harlan, Secretary to the Commission, PO Box 270, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

**Title 4—DEPARTMENT OF ECONOMIC  
DEVELOPMENT  
Division 265—Division of Motor Carrier and  
Railroad Safety  
Chapter 2—Practice and Procedure**

**PROPOSED RESCISSION**

**4 CSR 265-2.067 Application to Issue or Create Certain Debt Instruments.** This rule set forth the requirements which application for the issuance or creation of certain debt instruments must meet.

*PURPOSE: This rule is being rescinded because it describes an obsolete procedure.*

*AUTHORITY: section 622.027, RSMo 1994. Emergency rule filed Aug. 1, 1986, effective Aug. 13, 1986, expired Oct. 23, 1986. Original rule filed July 31, 1986, effective Oct. 27, 1986. For intervening history, please consult the Code of State Regulations. Rescinded: Filed Oct. 14, 2016.*

*PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

*PRIVATE COST: This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Missouri Department of Transportation, Pam Harlan, Secretary to the Commission, PO Box 270, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

**Title 4—DEPARTMENT OF ECONOMIC  
DEVELOPMENT  
Division 265—Division of Motor Carrier and  
Railroad Safety  
Chapter 2—Practice and Procedure**

**PROPOSED RESCISSION**

**4 CSR 265-2.069 Application for Approval of Corporation to Acquire Capital Stock of Common Carrier Incorporated Under Missouri Law Pursuant to Requirements of Section 387.260, RSMo.** This rule set forth the requirements in an application to acquire capital stock of a railroad corporation, street railroad corporation or a motor common carrier of passengers or household goods incorporated under the laws of Missouri.

*PURPOSE: This rule is being rescinded because it is obsolete.*

*AUTHORITY: section 622.027, RSMo 1994. Original rule filed May 17, 1989, effective Sept. 11, 1989. For intervening history, please consult the Code of State Regulations. Rescinded: Filed Oct. 14, 2016.*

*PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

*PRIVATE COST: This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Missouri Department of Transportation, Pam Harlan, Secretary to the Commission, PO Box 270, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

**Title 4—DEPARTMENT OF ECONOMIC  
DEVELOPMENT  
Division 265—Division of Motor Carrier and  
Railroad Safety  
Chapter 2—Practice and Procedure**

**PROPOSED RESCISSION**

**4 CSR 265-2.160 Rulemaking.** This rule provided a procedure for rulemaking and petitioning for rulemaking pursuant to the Missouri Administrative Procedures Act.

*PURPOSE: This rule is being rescinded because it is redundant.*

*AUTHORITY: section 622.027, RSMo 1994. Emergency rule filed June 14, 1985, effective July 1, 1985, expired Oct. 28, 1985. Original rule filed Aug. 1, 1985, effective Oct. 29, 1985. Amended: Filed Aug. 3, 1995, effective Feb. 25, 1996. Rescinded: Filed Oct. 14, 2016.*

*PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

*PRIVATE COST: This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the*

Missouri Department of Transportation, Pam Harlan, Secretary to the Commission, PO Box 270, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT**  
**Division 265—Division of Motor Carrier and Railroad Safety**  
**Chapter 2—Practice and Procedure**

**PROPOSED RESCISSION**

**4 CSR 265-2.170 Hearings Under Rulemaking.** This rule established the procedures and policy of the division with regard to hearings conducted during rulemaking and enabled parties to better understand their role in these proceedings.

*PURPOSE:* This rule is being rescinded because it is redundant.

*AUTHORITY:* section 622.027, RSMo 1994. Emergency rule filed June 14, 1985, effective July 1, 1985, expired Oct. 28, 1985. Original rule filed Aug. 1, 1985, effective Oct. 29, 1985. Amended: Filed July 31, 1986, effective Oct. 27, 1986. Amended: Filed Aug. 3, 1995, effective Feb. 25, 1996. Rescinded: Filed Oct. 14, 2016.

*PUBLIC COST:* This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

*PRIVATE COST:* This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.

*NOTICE TO SUBMIT COMMENTS:* Anyone may file a statement in support of or in opposition to this proposed rescission with the Missouri Department of Transportation, Pam Harlan, Secretary to the Commission, PO Box 270, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT**  
**Division 265—Division of Motor Carrier and Railroad Safety**  
**Chapter 2—Practice and Procedure**

**PROPOSED RESCISSION**

**4 CSR 265-2.200 Motor Carrier Notice Register Publication, Scope and Subscription Orders.** This rule prescribed procedures applicable to the publication of the division's notice register of motor carrier cases, the scope of its content and the procedures for subscriptions to the register.

*PURPOSE:* This rule is being rescinded because it describes an obsolete procedure.

*AUTHORITY:* section 622.027, RSMo 1994. Original rule filed Nov. 4, 1992, effective July 8, 1993. For intervening history, please consult the *Code of State Regulations*. Rescinded: Filed Oct. 14, 2016.

*PUBLIC COST:* This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

*PRIVATE COST:* This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.

*NOTICE TO SUBMIT COMMENTS:* Anyone may file a statement in support of or in opposition to this proposed rescission with the Missouri Department of Transportation, Pam Harlan, Secretary to the Commission, PO Box 270, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT**  
**Division 265—Division of Motor Carrier and Railroad Safety**  
**Chapter 6—Transportation**

**PROPOSED RESCISSION**

**4 CSR 265-6.030 Utilization of Motor Carriers in National Emergencies.** This rule set out the procedures to be followed in the utilization of motor carrier service in the event of a national emergency, enemy attack or natural disaster.

*PURPOSE:* This rule is being rescinded because the content restates Federal and State law. It is redundant.

*AUTHORITY:* section 622.027, RSMo 1994. Emergency rule filed June 14, 1985, effective July 1, 1985, expired Oct. 28, 1985. Original rule filed Aug. 1, 1985, effective Oct. 29, 1985. For intervening history, please consult the *Code of State Regulations*. Rescinded: Filed Oct. 14, 2016.

*PUBLIC COST:* This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

*PRIVATE COST:* This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.

*NOTICE TO SUBMIT COMMENTS:* Anyone may file a statement in support of or in opposition to this proposed rescission with the Missouri Department of Transportation, Pam Harlan, Secretary to the Commission, PO Box 270, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT**  
**Division 265—Division of Motor Carrier and Railroad Safety**  
**Chapter 14—Training**

**PROPOSED RESCISSION**

**4 CSR 265-14.010 Transportation Enforcement Inspector I.** This rule prescribed the training requirements for the divisions' Transportation Enforcement Inspector I position, to prepare those personnel for their actual duties of employment.

*PURPOSE:* This rule is being rescinded because it contains obsolete practices, procedures, titles, and coursework. Because the intended content is addressed in MoDOT Human Resources procedures, the rule is unnecessary.

*AUTHORITY:* sections 390.350, 622.620 and 622.027, RSMo Supp. 1997. Original rule filed June 22, 1998, effective Feb. 28, 1999. Rescinded: Filed Oct. 14, 2016.

*PUBLIC COST:* This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

*PRIVATE COST:* This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.

*NOTICE TO SUBMIT COMMENTS:* Anyone may file a statement in support of or in opposition to this proposed rescission with the Missouri Department of Transportation, Pam Harlan, Secretary to the Commission, PO Box 270, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 7—DEPARTMENT OF TRANSPORTATION  
Division 10—Missouri Highways and Transportation  
Commission  
Chapter 1—Organization; General Provisions**

**PROPOSED AMENDMENT**

**7 CSR 10-1.020 Subpoenas.** The Missouri Highways and Transportation Commission is amending sections (1) and (2).

*PURPOSE:* This proposed amendment removes an obsolete job title and expands and elevates the signature authority for subpoenas to the executive level of the department.

(1) A request for a subpoena as authorized by section 622.360, RSMo, requiring a person to appear and give sworn testimony, or to appear and produce documents, records, or other physical evidence, shall be, by signed writing, directed to either the director [of administrative services], chief engineer, chief financial officer, assistant chief engineer, director of motor carrier services, or director of multimodal operations. The signed, written request shall include the name and address of the witness to be served, propose a suitable time and place for the witness's appearance, and reasonably describe the documents, records, or other physical evidence to be produced. In the case of corporate entities, the request may name the corporation and its registered agent for service of process, and defer to the corporation the designation of [the person] an informed corporate officer or safety designee to appear to so testify or produce the particular documents, [or] records, or other physical evidence to be produced.

(2) Upon receipt of a request under section (1) of this rule, the director [of administrative services], chief engineer, chief financial officer, assistant chief engineer, director of motor carrier services, or director of multimodal operations may sign and issue a subpoena. A subpoena may be served by Missouri Department of Transportation (MoDOT) employees and such other persons authorized by law to serve process. Service shall be by personal service on the named witness or service on the registered agent of any named corporation. Within ten (10) days of service of a subpoena, a return of service shall be made to the [director] individual that signed and issued the subpoena.

*AUTHORITY:* section 226.008, RSMo Supp. [2003] 2014. Original rule filed Jan. 27, 2004, effective Aug. 30, 2004. Amended: Filed Oct. 14, 2016.

*PUBLIC COST:* This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500)

in the aggregate.

*PRIVATE COST:* This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

*NOTICE TO SUBMIT COMMENTS:* Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Department of Transportation, Pam Harlan, Secretary to the Commission, PO Box 270, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 7—DEPARTMENT OF TRANSPORTATION  
Division 10—Missouri Highways and Transportation  
Commission  
Chapter 2—Traffic Regulation**

**PROPOSED RESCISSION**

**7 CSR 10-2.030 Weight Limitation Exception.** This rule established a temporary weight limitation exception pursuant to the Federal-Aid Highway Act of 1987.

*PURPOSE:* This rule expired on August 31, 1989. MoDOT Motor Carrier Services recommends it be rescinded because it is obsolete. Similar weight limitation exception language can be found in section 304.180 RSMo.

*AUTHORITY:* sections 226.020, 226.150, and 304.180, RSMo 1986 and 23 USC 127 1987. Emergency rule filed Feb. 16, 1988, effective Feb. 26, 1988, expired June 25, 1988. Original rule filed Feb. 16, 1988, effective May 12, 1988. Rescinded: Filed Oct. 14, 2016.

*PUBLIC COST:* This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

*PRIVATE COST:* This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.

*NOTICE TO SUBMIT COMMENTS:* Anyone may file a statement in support of or in opposition to this proposed rescission with the Missouri Department of Transportation, Pam Harlan, Secretary to the Commission, PO Box 270, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 7—DEPARTMENT OF TRANSPORTATION  
Division 10—Missouri Highways and Transportation  
Commission  
Chapter 25—Motor Carrier Operations**

**PROPOSED AMENDMENT**

**7 CSR 10-25.010 Skill Performance Evaluation Certificates For Commercial Drivers.** The Missouri Highways and Transportation Commission is amending sections (1) and (3); deleting sections (4) and (5); and re-numbering sections (6) through (10).

*PURPOSE:* This proposed amendment removes language regarding vision and limb exemptions that duplicates federal regulation and removes an unnecessary process.

*PUBLISHER'S NOTE:* The secretary of state has determined that the

*publication of the entire text of the material which is incorporated by reference as a portion of this rule would be unduly cumbersome or expensive. This material as incorporated by reference in this rule shall be maintained by the agency at its headquarters and shall be made available to the public for inspection and copying at no more than the actual cost of reproduction. This note applies only to the reference material. The entire text of the rule is printed here.*

(1) Definitions and Substitutions. Except when the context clearly suggests otherwise, the words and terms used in this rule, or in any federal regulation incorporated by reference in this rule, shall have the meaning stated in this section.

(F) Whenever the term “exemption” is used in or has reference to 49 CFR part 381, the term “SPE certificate” shall be substituted for the term “exemption.” **With the exception of Subpart C, Section 381.315, the commission incorporates by reference in, and makes a part of this rule, the provisions of Title 49, CFR Part 381 as published by the United States Government Printing Office, 732 North Capitol Street NW, Washington DC 20401, on March 17, 2016. This rule does not incorporate any subsequent amendments or additions to 49 CFR Part 381.** “SPE certificate” means a skill performance evaluation certificate, as defined in subsection 4 of section 622.555, RSMo.

*[(I)] Whenever the term “Federal Register” or any comparable term is used in the federal regulation, the term “Missouri Register” shall be substituted for that term.]*

*[(J)](I) Whenever the word “interstate” is used in the federal regulation, the word “intrastate” shall be substituted for “interstate.”*

**(J) Publication of a Missouri Register notice of application for Skill Performance Evaluation Certificates For Commercial Drivers is not required.**

(3) Filing and Determination of Applications; Demonstration and Verification of Ability to Operate Commercial Motor Vehicles. Applications for an intrastate SPE certificate, and related documents, **and information reasonably required by the director of Motor Carrier Services shall be filed with the director of Motor Carrier Services, at [the current business address of the director] PO Box 270, Jefferson City, MO 65102.** Every application shall include all information and supporting documents required by section 622.555, RSMo, this rule, and the *[latest form of]* “Application for Skill Performance Evaluation Certificate.” **The application is incorporated herein by reference and made a part of this rule as published on October 12, 2016 by the Missouri Department of Transportation Motor Carrier Services Division, PO Box 270, Jefferson City, MO 65102. The application and related instructions approved by the director, and any additional information reasonably required by the director. This rule does not incorporate any subsequent amendments or additions of the application.**

*[(4) Limb Exemption. The commission incorporates by reference in this rule the provisions of 49 CFR section 391.49 (Alternative physical qualification standards for the loss or impairment of limbs), as those regulations have been and periodically may be amended. Except to the extent they are inconsistent with any provisions of section 622.555, RSMo, or of this rule, those regulations are hereby made applicable to the issuance of intrastate SPE certificates to persons who are not physically qualified to drive pursuant to paragraphs (1) or (2), or both paragraphs (1) and (2), of subsection (b) of 49 CFR section 391.41, because of the person’s loss or impairment of one (1) or more of the following: a foot, leg, hand, arm, or any part thereof.*

*(5) Vision Exemption. The commission incorporates by reference in this rule the provisions of subpart A (General) and subpart C (Procedures for Applying for Exemptions) of part 381 (Waivers, Exemptions and Pilot Programs) of Title 49,*

*Code of Federal Regulations, and 49 CFR section 391.64 (Grandfathering for certain drivers participating in vision and diabetes waiver study programs), as those regulations have been and periodically may be amended. Except to the extent those regulations are inconsistent with any provisions of section 622.555, RSMo, or of this rule, those regulations are hereby made applicable to the issuance of intrastate SPE certificates to persons who are not physically qualified to drive pursuant to paragraph (10) of subsection (b) of 49 CFR section 391.41, because of impaired vision. Notwithstanding any provisions of 49 CFR part 381 to the contrary, this rule shall not authorize waivers or pilot programs, as defined in part 381.*

*(A) Every application filed pursuant to this section shall include one (1) or more affidavits describing the applicant’s motor vehicle driving experience during the three (3)-year period immediately before the date of the application. Each affidavit shall contain all information required by the latest form of “Affidavit of Driving Experience” and pertinent instructions approved by the director.*

*(B) Notwithstanding any requirement of Title 49 CFR, or of any federal agency or officer made pursuant to Title 49 CFR, to the contrary, the director may determine that an applicant has adequately demonstrated the ability to operate a commercial motor vehicle safely with the vision impairment for the three (3)-year period immediately before the date of the application, if the director reasonably finds that:*

*1. During that three (3)-year period, the applicant safely and continuously operated commercial motor vehicles, or other motor vehicles licensed and used on public highways, with the vision impairment; and*

*2. If the driving experience required by paragraph 1. of this subsection was not performed in a commercial motor vehicle, then within sixty (60) days immediately before the date of the application, or while the application is pending, the applicant has successfully completed a road test as provided in subpart D of 49 CFR part 391, with the vision impairment, using a commercial motor vehicle and associated equipment of the type which the applicant seeks to drive pursuant to the SPE certificate.]*

*[(6)](4) [Other] Physical Deficiencies. Persons who are physically unqualified to drive commercial motor vehicles pursuant to any provision of 49 CFR section 391.41(b)[, except paragraphs (1), (2) and (10),] may apply for intrastate SPE certificates, and the director may issue intrastate SPE certificates to those applicants, only if:—*

*(A) The Federal Motor Carrier Safety Administration (FMCSA) is currently administering a program for issuing SPE certificates, or exemptions from the physical qualification requirements, to interstate drivers who are physically unqualified because of the same physical deficiency or impairment affecting the applicant;*

*(B) The applicant files an application for SPE certificate with the director, which conforms to all applicable requirements of section 622.555, RSMo, and this rule, and conforms to the same standards and procedures that are applicable under FMCSA’s comparable interstate SPE certificate or exception program, as modified and supplemented by any applicable provisions of section 622.555, RSMo, or this rule.*

*[(7)](5) Multiple Physical Conditions. The director may deny applications for SPE certificates, and may suspend or revoke SPE certificates, regarding any person who is not physically qualified pursuant to the requirements of two (2) or more separate paragraphs within subsection (b) of 49 CFR section 391.41, except a person who is physically unqualified only pursuant to paragraphs (1) and (2) of that subsection.*

*[(8)](6) Federal Exemption or SPE Certification. Upon the filing of*

an application containing such information as the director may require, the director may waive any procedural requirements pursuant to this rule and shall issue an intrastate SPE certificate to any driver who is authorized to operate commercial motor vehicles in interstate commerce by a currently valid SPE certificate or vision exemption issued by the FMCSA. Each SPE certificate issued pursuant to this section shall be conditioned upon the driver's continued possession of the federal SPE certificate in good standing, and the driver's compliance with all applicable requirements, including all conditions specified in the driver's federal SPE certificate, and any other conditions imposed by the director.

*[(9)](7)* Operation in Conformity with Terms of SPE Certificate. No person shall operate a commercial motor vehicle by authority of any SPE certificate issued pursuant to this rule, unless the vehicle is operated in conformity with all limitations, requirements, and other terms specified in that SPE certificate.

*[(10)](8)* Suspension and Revocation. For good cause, the director may revoke a person's SPE certificate after notice and an opportunity for hearing before the Administrative Hearing Commission, or may suspend the certificate until it is determined whether the certificate should be revoked.

*AUTHORITY:* section[s] 226.008, *RSMo Supp. 2014*, and section 622.555, *RSMo Supp. [2003] 2013*. Emergency rule filed June 6, 2003, effective June 16, 2003, expired Feb. 26, 2004. Original rule filed June 6, 2003, effective Dec. 30, 2003. Amended: Filed Oct. 14, 2016.

*PUBLIC COST:* This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

*PRIVATE COST:* This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

*NOTICE TO SUBMIT COMMENTS:* Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Department of Transportation, Pam Harlan, Secretary to the Commission, PO Box 270, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 7—DEPARTMENT OF TRANSPORTATION  
Division 10—Missouri Highways and Transportation  
Commission  
Chapter 25—Motor Carrier Operations**

**PROPOSED AMENDMENT**

**7 CSR 10-25.020 Oversize [and]/Overweight Permits.** The Missouri Highways and Transportation Commission is amending the rule title, sections (1) through (16) and deleting sections (17) and (18).

*PURPOSE:* This proposed amendment removes unnecessary language, relaxes holiday travel restrictions and proof of insurance, adds maximum length a truck-trailer combination may be permitted, adds an additional acceptable configuration for 6-axle units hauling overweight, and removes the requirement that axle lifting mechanisms must be located outside the cab of the tractor.

*PUBLISHER'S NOTE:* The secretary of state has determined that the publication of the entire text of the material which is incorporated by reference as a portion of this rule would be unduly cumbersome or expensive. This material as incorporated by reference in this rule

*shall be maintained by the agency at its headquarters and shall be made available to the public for inspection and copying at no more than the actual cost of reproduction. This note applies only to the reference material. The entire text of the rule is printed here.*

(1) General Regulations for Oversize/Overweight Permits.

(B) Permits will not be granted for travel on the state highway system for movement of a load reducible in size or weight, except for:—

1. Farm products (hay), and farm equipment with dual tires, and construction equipment with blade/bucket attached, but only as permitted in sections (6) and (10);

2. Emergency response vehicles loaded with salt, sand, chemicals, or a combination thereof, with or without a plow or blade attached in front, and being used for the purpose of spreading the material on state highways that are or may become slick or icy; *[or]*

3. Military vehicles transporting marked military equipment or material. Reducible portions of any oversize or overweight load shall include, but are not limited to, any attachment, accessory, member, or assembly designed to be detached with hand tools[.]; or

**4. A vehicle carrying raw fluid milk products from a farm and/or raw milk products to or from a milk plant, receiving station or transfer station.**

(D) Economic factors in either the saving of time or costs for routing will not be considered of primary importance in the routing process and the department reserves the right to designate routing and travel time for all movements. Safety, structure capacities and clearances, roadway widths, and traffic volumes will all be considered in route determination. The routing will use the designated state highway system *[as shown on the Missouri Vehicle Route Map]* and *[or]* be as direct as possible. When other streets or highways off the state highway system are used, it will be the responsibility of the applicant to obtain approval from the agency responsible for that off-state highway and adhere to all bridge capacity postings off the state highway system.

(H) *[Permits for round trips will not be issued.]* Each single trip permit covers the movement of one (1) load only, between one (1) origin and one (1) destination, except for the multi-stop permit designed for transportation of farm implement delivery only (legal loads are not considered for multi-stop permits since permits are not required for legal loads). Moves must be completed in seven (7) moving days, *except for multi-state permits which must be completed in ten (10) days, and blanket permits which are for a specified period]*.

(I) Movement is restricted on the following holidays: New Year's Day (January 1), Memorial Day (last Monday in May), Independence Day (July 4), Labor Day (first Monday in September), Thanksgiving Day (fourth Thursday in November), and Christmas Day (December 25).

1. The restriction for Thanksgiving will begin at 12:00 noon on Wednesday and apply until one-half (1/2) hour before sunrise on the following Monday.

2. When Christmas falls on Saturday, the restriction will begin at 12:00 noon on the preceding Friday. Movement will resume one-half (1/2) hour before sunrise the following Monday. When Christmas falls on Sunday, the restriction will begin at 12:00 noon on the preceding Friday. Movement will resume one-half (1/2) hour before sunrise the following Tuesday.

3. In the event *[a holiday]* New Year's Day and/or Independence Day fall/s] on Saturday, the restriction *[will apply to]* begins at 12:00 noon on the preceding Friday. Movement will resume one-half (1/2) hour before sunrise the following Sunday. If *[a holiday]* New Year's Day and/or Independence Day fall/s] on Sunday, the restriction *[will apply to]* begins at 12:00 noon on the preceding Saturday. Movement will resume one-half (1/2) hour before sunrise the following Monday.

4. On all weekday holidays, the restriction will begin at 12:00 noon on the day preceding the holiday *[or the holiday weekend]*

period]. Movement will resume one-half (1/2) hour before sunrise on the day following the holiday.

[2. All offices are closed on the holiday listed in paragraph (1)(I)1. Only the Jefferson City office will be open on Martin Luther King Day (third Monday in January), Lincoln's Day (February 12), Presidents' Day (third Monday in February), Truman Day (May 8), Columbus Day (second Monday in October), and Veterans' Day (November 11). All other offices will be closed on these dates, and on any date designated by the governor as a holiday; however, movement under permit is allowed on these days.]

(J) The permittee may travel a distance of one (1) mile onto another contiguous state highway for food, fuel, repairs, and rest, provided that no structures are crossed, no posted weight limits are exceeded, travel under overhead structures can be completed safely, and oversize loads do not cause an obstruction. All other provisions of the permit must be followed.

[(J)](K) Travel under permit must be with properly licensed, insured, and permitted vehicles under Chapters 260, 301 through 307, 390, and 622 of the Missouri Revised Statutes, and vehicles must be licensed for maximum weights in order to obtain overweight permits.

(2) Financial Responsibility.

(A) An applicant for an oversize/overweight permit shall have [on file with the Missouri Department of Transportation's Motor Carrier Services Division an approved proof of] coverage for bodily injury to, or death of, an individual and for loss or damage to property [in a form satisfactory to the Missouri Highways and Transportation Commission]. [Proof of c]Coverage shall be effective during all of the applicant's oversize/overweight operations authorized under such permit covering each motor vehicle operating under the authority of the applicant's permit in amounts not less than the following:

**SCHEDULE OF MINIMUM LIMITS  
OF COMBINED SINGLE LIMIT  
AUTOMOBILE LIABILITY**

Type of Move	Amount
1) Routine	\$750,000
2) Super Heavy and Large Loads	\$2,000,000
3) Noncommercial Building (House) Movement	\$2,000,000

[(B)] Public Liability Insurance and Surety Bond Forms. The proof of insurance shall be on a certificate of liability form (Acord). The certificate shall be duly completed and executed by the applicant's insurer or an agent of the insurer authorized to issue a policy on the insurer's behalf. The approved certificate of liability insurance coverage shall include any damage to the state highway system such as the road surface, shoulders, bridges, traffic control devices, utility facilities, and any other state highway system-related property which is caused by, and is the legal responsibility of, the applicant, the applicant's vehicle, and/or the applicant's officers, agents, employees, or operators. A surety bond (Form G) in accordance with 7 CSR 265-10.030 may be accepted in lieu of the certificate of liability. The bond shall be duly completed and executed by the surety and principal. Such surety bond shall be in a duration and amount as the commission may determine to be adequate for the commission's protection and to be provided by sureties or financial institutions satisfactory to the commission.]

[(C)](B) Cargo. Any automobile insurance policy required under this administrative rule shall not include coverage of the cargo transported under the permit, and instead, any cargo transported by the applicant under a permit issued under this administrative rule shall be insured under a separate insurance policy. [Proof of cargo liability is not required to be filed with the Missouri Department

of Transportation.]

[(D)] Filing Waiver. If the applicant has proof of public liability insurance (Form E) on file with the Missouri Highways and Transportation Commission pursuant to 7 CSR 265-10.030 or the motor carrier has been approved to be self-insured for motor carrier operations, no additional proof of insurance is required to be filed, provided the limits of liability pursuant to such public liability insurance or self-insurance is consistent with the limits established in this rule.

(E) Cancellation. The applicant shall immediately notify the Missouri Department of Transportation Motor Carrier Services' director in writing of cancellation of the applicant's proof of insurance. All non-expired permits issued to the applicant shall be void and requests for additional permits shall not be granted until the applicant submits new proof of coverage consistent with this administrative rule to the Motor Carrier Services' director.

(F) Rejection. Proof of insurance may be rejected and notification sent to the applicant of the rejection, if—

1. Proof of insurance was not submitted on the proper form(s) or information contained on that form has not been completed in order for the division to determine if the limits of liability have been met;
2. The form was not properly completed;
3. The limits of liability were contrary to limits established within this rule; or
4. The proof of insurance appears to be invalid or the authenticity of the document cannot be verified.

(G) Filing of Documents. Insurance companies offering motor carrier insurance certificates, cancellation notices, or other documents for filing with the division pursuant to this rule shall deliver the documents to the Missouri Department of Transportation, Motor Carrier Services Division, 1320 Creek Trail Drive, PO Box 893, Jefferson City, MO 65102 by any of the following methods: personal delivery, U.S. mail, express courier delivery, FAX, electronic mail (email), or other approved electronic media. A person or company that offers photocopies, FAX copies, or electronic documents for filing shall be bound by them as if they were signed originals.]

[(H)](C) Failure to Comply. The Motor Carrier Services' director or his/her representative may reject an applicant's request for a permit or suspend the applicant's privileges of obtaining oversize/overweight permits for failure to comply with this section of the rule.

[(I)](D) Excessive Overweight. Permits issued for excessive overweight may require additional financial responsibility to protect the state in regard to excessive damage to the state highway system and its facilities.

[(J)](E) Refer to subsection (8)(C) for financial responsibility for escorts.

(3) Agreements and Conditions.

(A) The permittee agrees to the following conditions when a permit is issued:

1. The permittee named therein agrees to assume full responsibility for injury to persons or damage to public or private property, including the state highway system and its facilities, caused by the movement of the vehicle or its load under the special permit involved;
2. The permittee agrees to hold harmless the Missouri Highways and Transportation Commission, the Department of Transportation, the Missouri State Highway Patrol, their agents, servants, and employees, from any and all claims, judgments, damages, or expenses of any kind on the part of the applicant, permittee, or any person, firm, or corporation having an interest in either the vehicle, the load, or other property involved in the movement over the route prescribed in said permit;
3. The permittee, as a condition to the issuance of a special permit, agrees to indemnify the Missouri Highways and Transportation Commission, the Department of Transportation, the Missouri State

Highway Patrol, their agents, servants, or employees, for any sums which it, its agents, servants, or employees are or may be required to expend in defense of any claims or actions for damages and to indemnify the Missouri Highways and Transportation Commission, the Department of Transportation, the Missouri State Highway Patrol, their agents, servants, or employees, arising out of the movement, under this special permit, of a vehicle or load over the route prescribed by the Missouri Department of Transportation, its agents, servants, or employees;

4. The permittee will cause the operators of all motor vehicles involved in the movement to take all necessary precautions to avoid hazards existing along the prescribed route, such as, but not limited to, construction projects, physical restrictions, or conditions which will not permit the movement of the vehicle and its load without detriment to the state highway or its drainage structure, signs, guardrails, signals, shoulders, pavement, right-of-way, or any other facility;

5. The permittee or their representative must physically drive the proposed route to be used prior to issuance and attest that all turns, curves, etc. can be safely negotiated if the load is greater than one hundred *[twenty] fifty* feet (1/2/50') long. If the load *[does]* encounters problems negotiating such **route during transportation**, the company will be charged new permit fees (including a bridge study analysis for superloads). In addition, penalties may be assessed and future permit applications may be denied./.;

6. Should the permittee or the permittee's officers, agents, employees, or operators encounter a condition on the route prescribed not contemplated by the permit, or signs or markings indicating an emergency condition creating a reasonable doubt as to the continuance of the trip, the permittee, officer, agent, employee, or operator of the vehicle shall immediately notify the appropriate official or employee of Motor Carrier Services Division of the Missouri Department of Transportation for a suggested course of action. In any event, departure from a prescribed route, except by specific authorization of Motor Carrier Services Division, renders the permit void;

7. Any misrepresentation in the application for a special permit or any operation not made in strict compliance with the permit and not in compliance with 7 CSR 10-25.020, except as specifically exempted, is unlawful and renders the permit void;

8. Any permit used for a movement other than that for which granted, or any permit that has been altered, is void in its entirety and the movement involved will be in violation of the law, as though such permit had never been granted;

9. Permits voided by a violation shall be surrendered to any law enforcement officer or to any employee of the Missouri Department of Transportation *[and permits so surrendered shall be returned to the Missouri Department of Transportation, Motor Carrier Services Division, 1320 Creek Trail Drive, PO Box 893, Jefferson City, MO 65102];*

10. A new permit and required fees covering the remainder of the movement will not be issued until all charges arising out of the violation have been satisfied and the routing or movement modified to meet the regulations established herein;

11. Permits are issued by authority of law only when the public safety or public interest justifies their issuance. Any misrepresentation in the application or violation of the terms of the permit may result in denial of future applications of the violator;

12. Permission is granted only for dimensions and up to the weight, as specified, and compliance in all other respects is required with Chapters 260, 301 through 307, 390, and 622 of the *Missouri Revised Statutes* as amended, all other applicable state and federal laws and rules and regulations of state and federal regulatory bodies; and

13. All permittees are responsible for the accuracy of their permits and shall notify the Missouri Department of Transportation, Motor Carrier Services Division of any inaccuracies before move-

ment commences.

(4) Permit Applications, Permit Transmissions, and Permit Fees.

*[(A) All oversize and overweight applications should be completed and fees filed at least two (2) days prior to the date of movement, except permits covered by sections (15) and (16) should allow two (2) weeks advance notice. This will allow sufficient time for any investigations, studies, or analysis necessary for the issuance of the official permit.*

*(B) Applications for permits are accepted in person, by mail, by telephone, and online.*

*(C) Applications may be reproduced or copies will be furnished upon request. Each application shall show all information requested in regard to the applicant, load description (including make, model, serial number, and dimensions), and vehicle description (including vehicle combination, year, make, vehicle identification number, insurance, and license). The type of power unit (truck or tractor) and trailer (semi or other configuration) shall also be required.]*

*[(D)](A) Application for an oversize permit must show the width, length, and height of the commodity being hauled as well as the overall width, overall length, and overall height. Application for an overweight permit must show axle loads and axle spacings measured center-to-center between each axle. Additional information may be required to complete the application.*

*[(E)](B) Special permit fees are payable prior to the issuance of the permit. If the permit becomes invalid for any reason, the original fee shall be nonrefundable and a new permit with fee will be necessary. Applicants are responsible for payment of permit fees for expired permits that are issued and left in approved status. *[Postal and telegraphic money orders, personal, company, certified, and cashier's checks, credit cards, and electronic funds shall be made payable to the "Director of Revenue." Cash is also accepted.]* The special permit fees are as follows:*

1. Single trip oversize permits *[including pre-issue]*—\$15;

2. Single trip oversize permits in excess of sixteen feet (16') wide, sixteen feet (16') high, or one hundred fifty feet (150') long—\$15 plus \$250 movement feasibility fee;

3. Multi-stop oversize permit—\$25 (farm implements only);

4. Single trip overweight permits up to and including one hundred sixty thousand (160,000) pounds gross weight—\$15 plus \$20 per each ten thousand (10,000) pounds in excess of legal gross weight;

5. Single trip overweight permits in excess of one hundred sixty thousand (160,000) pounds gross weight—\$15 plus \$20 per each ten thousand (10,000) pounds in excess of legal gross weight plus bridge and roadway analysis fee of \$425 for each permit for moves from 0–50 miles in length; \$625 for 51–200 miles; \$925 for over 200 miles (see section (15)). Identical permit applications with identical vehicle configurations will only be charged one bridge and roadway analysis fee if the original bridge study is less than thirty (30) days old for loads in excess of three hundred thousand (300,000) pounds and if the original bridge study is less than sixty (60) days old for loads weighing less than three hundred thousand (300,000) pounds. An additional four hundred twenty-five dollar (\$425) bridge study fee will be charged if the applicant modifies dimensions or weights on an application and a new bridge analysis is required after the original analysis has been completed;

6. Annual blanket emergency overweight permit (round trip)—\$624 (fee will be prorated quarterly);

7. Annual blanket oversize permit—single commodity—\$128 (fee will be prorated quarterly);

8. Annual blanket oversize permit—multiple commodity—\$400 (fee will be prorated quarterly);

9. Annual blanket overweight well drillers or concrete pump truck permit—\$300 (fee will be prorated quarterly);

**10. Annual blanket milk hauler permit—\$500 (fee will be prorated quarterly);**



[10.]11. Thirty- (30-) day blanket permit—\$300;

[11.]12. Project permit—\$125;

[12.]13. Highway crossing permit—\$250;

[13.]14. Noncommercial building movement (in excess of routine dimensions)—\$265;

[14.]15. Single Trip Commercial Zone Bridge Analysis—\$265; and

[15.]16. Permit amendment fee—\$2. Single trip permits may only be amended within two (2) business days of permit start date. The start date and any other component will be amended if permit effective date is in the future. The permittee, origin, destination, and/or commodity being hauled/towed will not be amended if the permit is already in effect. Annual blanket permits may be amended one (1) time throughout the year for truck make and/or license.

[(F)](C) Fees shall not be required for permits covering the movement of vehicles and loads owned and operated by governmental subdivisions or agencies.

[(G) Permits may be applied for and picked up at the locations listed in subsection (4)(H) during regular business hours of 7:30 a.m. to 4:00 p.m. Monday through Friday, except holidays listed in paragraph (1)(I)1. Telephone applications are accepted from 7:00 a.m. until 5:00 p.m. at (800) 877-8499 or (573) 751-7100 Monday through Friday except holidays listed in section (1). Internet access is also available twenty-four (24) hours a day, seven (7) days a week.

(H) Office locations for Missouri Department of Transportation—

1. Motor Carrier Services Division, 1320 Creek Trail Drive., PO Box 893, Jefferson City, MO 65102, (800) 877-8499 or (573) 751-7100;

2. St. Joseph—District 1—3602 North Belt Highway, Box 287, St. Joseph, MO 64502, (816) 387-2350;

3. Macon—District 2—U.S. Route 63, PO Box 8, Macon, MO 63552, (660) 385-3176;

4. Hannibal—District 3—Highway 61 South, PO Box 1067, Hannibal, MO 63401, (573) 248-2490;

5. Lee's Summit—District 4—600 NE Colbern Road, Lee's Summit, MO 64086, (816) 622-6500;

6. Chesterfield—District 6—14301 S. Outer 40, Chesterfield, MO 63017-5712, (314) 340-4100;

7. Joplin—District 7—3901 East 32nd Street, PO Box 1445, Joplin, MO 64802, (417) 629-3300;

8. Springfield—District 8—3025 E. Kearney, PO Box 868, Springfield, MO 65801, (417) 895-7600;

9. Willow Springs—District 9—910 Springfield Road, PO Box 220, Willow Springs, MO 65793, (417) 469-3134; and

10. Sikeston—District 10—2675 North Main Street, PO Box 160, Sikeston, MO 63801, (573) 472-5333.

(I) All permits may be transmitted by facsimile machine, Internet, or electronic mail from the Motor Carrier Services Division located in Jefferson City only. Division facsimile transmission costs and telephone costs are included in the permit fee (see subsection (4)(E)). The following requirements and procedures apply:

1. For facsimile receiving, the equipment must be fully automatic which may require a dedicated telephone line with unattended operation capabilities; and]

[2.](D) Proper arrangement for payment of permit fee must be made either by use of escrow accounts, which must be in effect prior to permit application request (see section (5)), or by payment of the fee at the time of application. [Permits can only be amended by Motor Carrier Services Division's staff, as outlined under the circumstances in paragraph (4)(E)15.]

(5) Escrow Accounts.

(A) An escrow account may be established with the Missouri Department of Transportation. The following conditions govern the

establishment and maintenance of escrow accounts:

1. An escrow account may be applied for by submitting an application supplying all the necessary information. Applications may be obtained from the Missouri Department of Transportation, Motor Carrier Services Division, [1320 Creek Trail Drive,] PO Box [893] 270, Jefferson City, MO 65102, or [established] online at [www.modot.org/mcs](http://www.modot.org/mcs);

2. [Upon approval of application, the applicant will be assigned an account number that must be given with each transaction.] The account holder is responsible for all charges filed against the account;

[3. The account holder may replenish his/her escrow account at any time via phone, Internet, mail, or in person;] and

[4.]3. An escrow account will remain open as long as there is a positive or zero balance. Upon written request, an account may be closed and the unused balance will be refunded.

(B) It [shall be] is the responsibility of the account holder to maintain records of the balance remaining in the account. In the event there is a difference between the account holder's records and the department's records, a letter stating the difference shall be the basis for review and adjustment. The department's decision shall be final.

(6) Annual Blanket Permits. Blanket permits may be issued for moves up to and including twelve feet, four inches (12'4") in width and one hundred fifty feet, zero inches (150'0") in overall length. Height and weight shall be in accordance with Chapter 304 of the *Missouri Revised Statutes*. The fee schedule for blanket permits is outlined in subsection (4)(E)(B). Separate permits are required for each power unit. To qualify for an annual blanket permit, insurance must be in force for the entire period (see section (2)) and vehicles must be properly licensed. [Annual blanket permits are issued only by the Missouri Department of Transportation, Motor Carrier Services Division, 1320 Creek Trail Drive, PO Box 893, Jefferson City, MO 65102.] All annual permits will expire at 12:00 a.m. on January 1 of the following year. Violation of a blanket permit shall be cause for revocation of the current blanket permit and may result in loss of the privilege of obtaining future blanket permits. Blanket permit moves shall be made in accordance with all other regulations and requirements. The permittee is required to obtain current travel restrictions prior to movement with blanket permits.

(B) Single Commodity.

1. Manufactured and sectional home units. Annual blanket permits are available for the movement of manufactured and sectional home units up to and including twelve feet four inches (12'4") in width and one hundred fifty feet, **zero inches** (150' 0") in overall length. Height and weight shall be legal.

2. Farm products (hay). Annual blanket permits are available for farm products (hay) up to and including twelve feet four inches (12'4") in width. All other sizes and weight shall be legal. Farm products (hay) will not be required to comply with the reducible load requirement for width.

3. Farm implements and construction equipment. Annual blanket permits are available for these moves up to and including twelve feet four inches (12'4") in width and/or overall length up to a maximum of one hundred fifty feet, **zero inches** (150' 0"). Height and weight shall be legal. Farm implements or equipment not designed for towing at highway speeds must be hauled. If the equipment is designed to be towed, it shall meet all regulatory safety requirements. Farm equipment with dual tires **and construction equipment with blade/bucket attached** will not be required to comply with the reducible load requirement for width.

4. One hundred- (100-)[-] mile radius blanket **permits** for farmers and farm implement dealers. Annual blanket permits are available to farm implement dealers and farmers for movement of farm implements up to and including fourteen feet six inches (14'6") in width. All other dimensions and weight shall be legal. This blanket **permit**

is only valid for moves within a one hundred- (100-) mile radius of permittee's principal place of business. All other permit regulations, including, but not limited to, times of travel, signing, and escorts, will apply. Farm implements not designed for towing at highway speeds must be hauled. If the equipment is designed to be towed, it shall meet all regulatory safety requirements.

5. Implements of husbandry and transporting vehicle. Annual blanket permits are available for movement up to and including twelve feet four inches (12'4") in width. All other dimensions and weight shall be legal. Implements of husbandry are machines designed specifically for the application of commercial plant-food materials or agricultural chemicals and off-road usage. Such units shall not operate under their own power on the interstate system.

6. Repeated moves of like objects. Annual blanket permits for the movement of specific nonreducible commodities may be issued to a maximum width of twelve feet four inches (12'4") and/or overall length up to a maximum of one hundred fifty feet, **zero inches** (150' 0"). Height and weight shall be legal. The following items may be considered **like objects**: boats, portable buildings, wood trusses, steel trusses, plates, beams, angles, pipe or piling, reinforcing steel mesh, rods or bars, tanks, mobile office trailers, grain carts, cotton trailers, park trailers, precast concrete panels, aluminum plates, wood beams, and concrete girders. **This list is not all inclusive.** The permit will describe and specify the object to be hauled. A blanket permit may be issued for the repeated movement of objects for permanent use in their transported form. Such objects may vary in size as long as the largest is within the width and/or length limit specified on the permit. Multi-piece loads must be nonreducible and nondivisible in dimension.

(C) Multiple Commodity. Annual blanket permits are available to haul any commodity up to and including twelve feet four inches (12'4") wide and one hundred fifty feet, **zero inches** (150' 0") overall length. Height and weight shall be legal. *[MULTIPIECE LOADS SHALL BE NONREDUCIBLE AND NONDIVISIBLE]* **Multi-piece loads shall be nonreducible and nondivisible.**

(D) Blanket permits are also available for items that may be over-size or overweight with varying operation areas and time periods. These blanket permits may be issued as explained in the following paragraphs:

1. **Public Utility or Public Works.** Thirty- (30-) day blanket. Blanket permits up to and including twelve feet four inches (12'4") wide and/or overall length up to and including one hundred fifty feet, **zero inches** (150' 0") covering specified travel over listed routes may be issued for a period not exceeding thirty (30) days to expedite construction or repair of public utilities or public works clearly in the public interest. Height must be legal;

2. **Well-drilling blanket.** Blanket permits for well-drilling rigs may be issued to a maximum width of twelve feet four inches (12'4"), and/or overlength to a maximum of sixty feet (60') for single units and weights not to exceed twenty thousand (20,000) pounds or legal weight on a single axle, forty thousand (40,000) pounds on a tandem axle group, or sixty thousand (60,000) pounds on a triple or quadrum axle group, and a gross weight not to exceed the maximum allowable gross weight according to the number of axles and the specified axle spacings as shown on the weight table in subsection (11)/(G)/(F). Equipment classified for use in well-drilling work is a single unit designed primarily to drill wells. The unit shall be reduced in size as much as practical. Drill bits and other necessary drilling tools may be carried with the drill rig provided the permitted axle and gross vehicle weight are not exceeded. The permit authorizes travel over the state highway system only and the unit must be able to maintain the posted minimum speed on the interstate system. Travel over bridge structures on which a load limit is posted for lesser weights is not allowed;

3. **Emergency response blanket.** Annual blanket permits for the initial response and direct return from an emergency are available up to and including twelve feet four inches (12'4") in width, one hundred fifty feet, **zero inches** (150' 0") in length, and maximum axle

weights and gross weight as allowed in section (11). Height shall be legal. This permit authorizes travel over the state highway system only. Travel over bridge structures on which a load limit is posted for lesser weight is not allowed. The restriction prohibiting travel in tourist areas, during curfew hours, at night, and on holidays or holiday weekend periods will be waived for the initial response to the emergency site. Clearance lights in lieu of flags and reflectorized oversize load signs are required for night travel. See section (12) for additional procedures for emergency travel;

4. **Public utility.** Blanket overlength permits not exceeding one hundred fifty feet, **zero inches** (150' 0") in length (width, height, and weight must be legal) may be issued to a public utility company, a public agency, or their contractor to transport poles or pipe for minor construction, reconstruction, replacements, or emergency repairs. Such permits shall be issued for each power unit (**truck-tractor or derrick truck**) to travel from the nearest available pole or pipe storage yard. The restriction prohibiting travel in tourist areas, during curfew hours, at night, and on holidays or holiday weekend periods is waived for emergency repairs. Clearance lights in lieu of flags and reflectorized oversize load signs are required for night travel (see subsection (12)(J));

5. **Sludge disposal units.** Blanket permits are available for travel on the state highway system other than the interstate and shall not exceed eleven feet six inches (11'6") in width. All other dimensions and weight shall be legal;

6. **Concrete pump truck blanket.** Blanket permits for concrete pump trucks may be issued to a maximum width of twelve feet four inches (12'4"), and/or overlength to a maximum of sixty feet (60') for single units and weights not to exceed twenty thousand (20,000) pounds or legal weight on a single axle, forty thousand (40,000) pounds on a tandem axle group, or sixty thousand (60,000) pounds on a triple or quadrum axle group, and a gross weight not to exceed the maximum allowable gross weight according to the number of axles and the specified axle spacings as shown on the weight table in subsection (11)/(G)/(F). This permit authorizes travel over the state highway system only and the vehicle must be able to maintain the posted minimum speed on the interstate system. Travel over bridge structures on which a load limit is posted for lesser weights is not allowed;

7. **Projects.** Blanket permits are available for the movement and/or operation of oversize and overweight road-building equipment within the limits of a specific highway project or combination of projects, for a period not to exceed the completion date of that project. The permittee shall coordinate movement and/or operation necessity and procedures with the project engineer and collectively submit a permit application containing all pertinent information to include any special or unusual circumstances with a recommendation to the Missouri Department of Transportation, Motor Carrier Services Division, 1320 Creek Trail Drive, PO Box 893, Jefferson City, MO 65102;

8. **Longer combination vehicles (LCV) blanket permits.** This permit may include combinations defined as Rocky Mountain Doubles (RMD), Turnpike Doubles (TPD), and triple-trailers currently allowed to operate on turnpikes in other states. Annual blanket permits are available for longer combination vehicles up to one hundred twenty feet, **zero inches** (120' 0") in overall length to travel to and from locations within twenty (20) miles of the western border of this state. One hundred twenty thousand (120,000) pounds is allowed for LCVs entering from the Kansas border. Ninety-five thousand (95,000) pounds is allowed for LCVs entering from the Nebraska border, and ninety thousand (90,000) pounds is allowed for LCVs entering from the Oklahoma border. All other dimensions shall be legal. This permit authorizes travel over specified routes on the state highway system; *[and]*

9. **Government agency.** Annual blanket permits are available for government agencies up to and including twelve feet four inches (12'4") in width, one hundred fifty feet, **zero inches** (150' 0") in length, and maximum axle weights and gross weight as allowed in

section (11). Height shall be legal./.; and

**10. Milk Hauler. Annual blanket permits may be issued for a maximum of eighty-five thousand five hundred (85,500) pounds to vehicles traveling on the interstate carrying raw fluid milk products from a farm and/or raw milk products to or from a milk plant, receiving station, or transfer station. Width, height, and length shall be legal.**

(7) Crossing Permits and Commercial Zone Bridge Analysis.

(B) Commercial Zone Bridge Analysis. A bridge analysis is available for loads moving under legal commercial zone weight limits that are too heavy to cross a posted structure. Applications must include information as outlined in subsection (4)/(D)/(A).

(8) Civilian Escorts and Flaggers. It is the responsibility of the permittee to see that escorts which accompany their moves adhere to these regulations in addition to the regulations specifying when escorts and flaggers are required, as listed in sections (9), (12), (13), (14), (15), and (16).

(D) Oversize load signs shall be displayed on the front and/or rear of the escort vehicle, whichever is applicable for the move. A sign mounted on the top of the vehicle with printing on both sides is acceptable. Signs are to be a minimum size of five feet (5') long by one foot (1') high with minimum eight inch (8") high letters. The sign's background shall be yellow with black lettering and visible for at least three hundred feet (300'). The legend shall read "OVERSIZE LOAD./." or "WIDE LOAD."

(E) Escort vehicles are to be equipped with at least two (2) red or orange fluorescent warning flags mounted on a staff at the two (2) front extremities of the vehicle for a front escort and at the rear extremities for a rear escort. The escort vehicle for overheight loads (see paragraph (9)/(H)/(G)3.) shall have a vertical clearance detection device and have continuous, uninterrupted, two- (2-) way communication with the power unit. Flags used for flagging and on permit vehicles shall be clean, red, yellow, or orange fluorescent, in good condition, with no advertising or wording, and be at least eighteen inches (18") square.

(F) Flaggers are required as outlined in subsection (9)/(J)/(I). Flaggers shall have proper training in directing traffic.

(9) Regulations for All Permits. The following regulations apply to all movements of oversize and/or overweight loads except as stipulated in sections (6), (11), (12), (13), (14), (15), and (16):

(C) No movement is allowed during specified holiday periods listed in [paragraph] subsection (1)(I)1./.

(D) No movement is allowed on Saturdays and Sundays in the Lake of the Ozarks and Branson areas as follows:

1. Lake of the Ozarks area—the following restrictions apply May 25 through Labor Day (first Monday in September):

[A. Route 54—between the junctions with Route V in Miller County and Route Y in Camden County.]

[B.]A. Route 5—between the junction with Route 54 and the city limits of Gravois Mills./.

[C.]B. Route 42—between the junctions with Routes 54 and 134./.; and

[D.]C. Business 54—between the east and west junctions with Route 54;

2. Branson area—the following restrictions apply May 1 through November 30:

A. Route 76—between the junctions with Routes 13 and 160./.

B. Route 13—between the city limits of Branson West and the junction with Route 86 west; and

[/G) Maximum speed for all moves shall be ten (10) miles per hour less than the posted speed limit unless otherwise specified on the permit. Movements over routes where minimum speed limits are posted shall operate at least at the minimum speed posted;]

[/H)/(G) Escort requirements are as follows:

1. Overwidth. No escort is required for loads up to and includ-

ing twelve feet four inches (12'4") in width. Escort requirements for loads exceeding twelve feet four inches (12'4") in width are in sections (13), (14), (15), and (16);

2. Overlength. A rear escort is required for movements when the vehicle and load exceed ninety feet (90') for a combination unit on all highways except divided highways and as required in sections (12), (15), and (16);

3. Overheight. A height detection vehicle is required to precede overheight loads exceeding fifteen feet six inches (15'6"). The height detection vehicle shall have a vertical clearance detection device and have direct, continuous, uninterrupted, two- (2-) way communication with the power unit; and

4. A separate escort shall be provided for each load and each dimension. Travel in convoy is not allowed. Additional and/or special escort requirements may be specified whenever the size, speed, or operation of movement might require.

[/I)/(H) Front escorts shall travel approximately three hundred feet (300') in front of the load and rear escorts approximately three hundred feet (300') to the rear of the load. In heavy traffic or when traveling within cities or towns, the escort vehicle should maintain a distance consistent with existing traffic conditions; and

[/J)/(I) Flagging is required whenever the dimensions of overwidth loads are equal to or exceed the width of the traveled lane on two- (2-) lane bridges or whenever the movement is of such width or length that it infringes on the adjacent lane of traffic. The operator of the escort vehicle may act as the flagger. On shorter bridges it may not be necessary to actually stop traffic if sight distance is good, but on longer bridges or where sight distance is short, a flagger shall be used to direct traffic and be prepared to stop traffic, if necessary. A flagger is also required if the permitted vehicle and load must stop due to a breakdown with all or part infringing on the traveled roadway. Additional traffic control may be required for large complex moves. All traffic control devices shall meet the requirements listed in the *Manual on Uniform Traffic Control Devices* (MUTCD) which is incorporated herein by reference and made a part of this rule as published by the Federal Highway Administration (FHWA), 1200 New Jersey Ave., SE, Washington, DC 20590, revised May 2012. This rule does not incorporate any subsequent amendments or additions of this manual.

(10) Regulations for Oversize Permits. In addition to the regulations in sections (6), (9), (13), (14), (15), and (16), the following applies to all oversize permits:

(A) Red, yellow, or orange fluorescent flags in good condition with a minimum size of eighteen inches (18") square shall be displayed at the extreme ends or projections of all overwidth and overlength loads, and all four (4) corners of manufactured and sectional home units. Oversize load signs at least seven feet (7') long by eighteen inches (18") high with ten-inch (10") letters of one and five-eighths inch (1 5/8") stroke shall be displayed front and rear for loads exceeding ten feet six inches (10'6") in width on all highways. The oversize load sign may be split or otherwise configured to accommodate crash-avoidance technology. When the overall length of a combination unit exceeds ninety feet (90') or the overall length of a single unit exceeds fifty feet (50'), an oversize load sign is required on the rear of the load. The sign's background shall be yellow with black lettering. The legend for these signs shall read "OVERSIZE LOAD./." or "WIDE LOAD;"/>

[/B) The following Missouri and Mississippi River bridges may be used for the movement of loads in excess of ten feet six inches (10'6") in width. If the load exceeds one-half (1/2) the width of the roadway on the two- (2-) lane bridges, a flagger shall be used to stop all oncoming traffic at the far end of the structure before the vehicle and load can proceed across. No movement will be allowed where flagging is necessary between the hours of 6:30 a.m. to 9:00 a.m. and 3:00 p.m. to 6:00 p.m.

MISSOURI RIVER BRIDGES

Location	Route	Roadway Width
Brownville, NE	U.S. 136	22'6"
Rulo, NE	U.S. 159	20'0"
St. Joseph	U.S. 36	Dual Bridges
Atchison, KS	U.S. 59	24'0"
Leavenworth, KS	MO 92	26'0"
Waverly	U.S. 24/ U.S. 65	44'0"
Miami	MO 41	23'0"
Boonville	MO 5/ U.S. 40	40'0"
Glasgow	MO 240	20'3"
Rocheport	I-70	Dual Lanes
Jefferson City	U.S. 63/ U.S. 54	Dual Bridges 44'0"
Hermann	MO 19	22'0"
Washington	MO 47	Dual Lanes
Lexington	MO 13	Dual Lanes

Kansas City Area

Platte County (KCI)	I-435	Dual Bridges
Riverside	I-635	Dual Lanes
Fairfax	U.S. 69	Dual Bridges
Broadway	U.S. 169	Dual Lanes
Heart of America	MO 9	Dual Lanes
Paseo	I-29/I-35	Dual Lanes
Randolph	I-435	Dual Lanes
Liberty (Courtney)	MO 291	Dual Bridges

St. Louis Area

Weldon Springs	40/61 (I-64)	Dual Bridges
Blanchette	I-70	Dual Bridges
St. Charles (Discovery Br)	MO 370	Dual Bridges
St. Charles (West Alton)	U.S. 67	Dual Bridges
Page Avenue	MO 364	Dual Bridges

MISSISSIPPI RIVER BRIDGES

Location	Route	Roadway Width
Hannibal	I-72/U.S. 36	Dual Lanes
Louisiana	U.S. 54	20'0"
Quincy, IL	U.S. 24	Dual Bridges
Alton, IL	U.S. 67	Dual Lanes
St. Louis City (Chain of Rocks)	I-270	Dual Lanes
St. Louis (Jefferson Barracks)	I-255	Dual Bridges
Chester, IL	MO 51	22'0"
Cape Girardeau	MO 74	Dual Lanes
Cairo, IL	I-57	Dual Lanes
Caruthersville	I-155	Dual Lanes

(C) Permit movements on Mississippi River, Missouri River, and Lake of the Ozarks bridges are permanently restricted as designated below.

No overweight or oversize permit movement on the following Mississippi River Bridges:

Location	Route
St. Louis City (Poplar Street)	I-70/I-55/I-64
St. Louis City (MLK)	MO 799
Cairo, IL	U.S. 60/U.S. 62

No overweight permit movement on the following Missouri River Bridges:

Location	Route
Miami	MO 41
Glasgow	MO 240
Washington	MO 47

No overweight permit movement on the following Lake of the Ozarks Bridge:

Location	Route
Hurricane Deck	MO 5]

[(D)](B) Overlength permits shall be limited to a nonreducible vehicle and load with an overall length for a single unit not exceeding sixty feet (60'), [and] for combination units not exceeding one hundred fifty feet (150'), and truck-trailer combination units not exceeding seventy five feet (75'). Steering mechanisms may be required on rear axles of combination units[.];

[(E)](C) Overheight permits for all movements will be limited to a nonreducible combination of vehicle and load height not exceeding the vertical clearance of the structures on the most feasible direct route between origin and destination. Arrangements for the raising or removal of overhead lines will be the responsibility of the permittee. It is also the responsibility of the permittee to check all structures and overhead wires for clearances before movement[.];

[(F)](D) The movement of noncommercial buildings exceeding routine special permit dimension limitations will be determined on an individual basis dependent on building size, roadway and structure width and clearances, traffic volumes, and other applicable factors. Permits for movement of such buildings shall be issued by the district offices (see section (16))[.];

[(G)](E) Movement of farm products (hay) up to, but not exceeding, fourteen feet (14') in width will be allowed by permit. These movements must comply with all existing Missouri oversize and overweight permit regulations except reference to reducible loads in subsection (1)(B) shall not apply. The hauling unit must be properly insured and licensed[.]; and

[(H)](F) Night movement for hauling hay up to fourteen feet (14') in width will be allowed by single trip permit. This movement will require a front and a rear escort on all two- (2-) lane and multi-lane undivided state highways. A rear escort is required on interstate and other dual lane divided state highways. Oversize load signs are required and shall be lighted or reflectorized. Clearance lights in lieu of flags shall be mounted at extreme ends or load projections when moving after daylight hours and/or when visibility is less than five hundred feet (500'). Continuous, uninterrupted two- (2-) way communication is required between the power unit and all escort vehicles. Movement is restricted for urban and tourist areas as outlined in subsections (9)(D) and (9)(E). Movement is restricted for holiday periods as outlined in subsection (1)(I).

(11) Regulations for Routine Overweight Permits. The following regulations apply to permit moves to transport nonreducible and nondiscrete loads. See section (15) for super heavy and large load movement:

(A) Overweight permits may specify maximum and minimum speeds and method of vehicle operation to reduce hazards or control impact factors and load distribution on pavements and bridges. Overweight loads not oversize and not exceeding the gross weight limit as listed in subsection (11)(D) will be granted day and night movement except travel during holiday and holiday weekend periods as listed in [sub]section (1)[(I)] and except for movement in tourist areas listed in subsection (9)(D). All movements authorized under overweight permits will be over specified routes on the state highway system only;

(B) Axles included in booster axle, tandem axle, triple axle, or quadrum axle groups on all hauling units shall be equipped with dual wheels or equivalent tread width. When configuring trailers for hauling units with seven (7) or more axles, conventional axles, or booster

axles may be used for the addition of the single axle, tandem axle, or triple axle groups that may be placed at the end of the trailer. Definitions—

1. The term “axle” shall mean a common axis of rotation of one (1) or more wheels whether power-driven or freely rotating, and regardless of the number of wheels carried thereon;

2. The term “axle group” shall mean an assembly of two (2) or more consecutive axles considered together in determining their combined load effect on pavement or structures. Axle groups must have a common equalization system, which will equalize the load between or among axles in both static and dynamic conditions. Any combination of mechanically equalized axles with either air suspension or any other suspension system used to form axle groups is not allowed;

3. The term “spread axles” shall mean two (2) axles, which are more than ninety-six inches (96”) apart and are considered single axles;

4. The term “tandem axle” shall mean a group of two (2) or more axles arranged one (1) behind another, where the distance between the extreme centers is more than forty inches (40”) and not more than ninety-six inches (96”) apart;

5. The term “triple axle or tridem” shall mean a group of three (3) axles, which are fully equalized automatically or mechanically and the distance between the centers of the extreme is more than ninety-six inches (96”) and not more than one hundred forty-four inches (144”);

6. The term “quadrum axle” shall mean a group of four (4) axles, which are fully equalized automatically or mechanically, *[the distance between each of the four (4) axles is evenly spaced]* and the distance between the centers of the extreme is not more than one hundred ninety-two inches (192”);

7. The term “lift axle” shall mean any axle designed with the capabilities of manipulation or adjustment of the weight on it or the axle group by use of manual valve(s). Under no circumstances will “lift axles” be recognized in weight computations. An additional axle may be added to an existing axle group provided—

A. All axles have a common equalization system; **and**

B. All equalization is accomplished with automatic valves; **and**

*[C. Axle lifting mechanism is located outside the cab, not readily accessible to driver; and]*

8. The term “booster axle” shall mean an extension of a hauling unit, which when attached to the trailer adds a single axle, tandem, or triple axle group. To be acceptable, a booster axle must connect to the vehicle frame in such a manner as to equalize the load between axles;

(C) The allowable combination configurations for overweight special permits are as follows:

#### **5-Axle Configurations**

Single-Tandem-Tandem (1-2-2)

Single-Tandem-Spread (1-2-2)

Minimum distance between the centers of the first and last axles is fifty-one feet (51’).

Maximum gross weight allowed on a 5-axle configuration is one hundred four thousand (104,000) pounds.

#### **6-Axle Configurations**

Single-Tandem-Triple (1-2-3)

Single-Triple-Tandem (1-3-2)

**Single-Tandem-Tandem-Single (1-2-2-1) (Alternative Configuration)**

Minimum distance between the centers of the first and last axle is **sixty-five feet (65’)** for the alternative configuration and fifty-one feet (51’) for all other configurations.

Maximum gross weight allowed on a 6-axle configuration is one hundred twenty thousand (120,000) pounds.

**For the alternative configuration, the minimum distance between**

**the tandem axle groups shall be twenty-five feet (25’), and the minimum distance between the tandem axle group and single booster axle shall be fourteen feet (14’).**

*[Configuration 1]*Lengths from forty-three feet (43’) up to fifty-one feet (51’) will be allowed for the (1-2-3) and (1-3-2) configurations provided that the maximum gross weight on these configurations does not exceed one hundred twelve thousand (112,000) pounds. When the configuration length is less than fifty-one feet (51’), the maximum gross weight on any tandem axle grouping shall be forty thousand (40,000) pounds and the maximum gross weight on any tridem axle grouping shall be sixty thousand (60,000) pounds.

#### **7-Axle Configurations**

Single-Triple-Triple (1-3-3) (Routine Configuration)

Single-Tandem-Quad (1-2-4) (Alternative Configuration)

Single-Tandem-Triple-Single (1-2-3-1)

Single-Triple-Tandem-Single (1-3-2-1)

Single-Tandem-Tandem-Tandem (1-2-2-2)

Minimum distance between the centers of the first and last axles is fifty-five feet (55’) for the routine configuration, seventy-five feet (75’) for the alternative configuration, and sixty-nine feet (69’) for all other configurations.

The following axle group spacing limitation will apply to all of the configurations as shown above, but will not apply to the steering axle. A minimum distance of fourteen feet (14’) shall be required between centers of adjacent axles on consecutive tandem, triple, and quad axle groupings and on single axles used in combination with these groupings.

Maximum gross weight allowed on a 7-axle configuration is one hundred thirty thousand (130,000) pounds for the alternative configuration, one hundred thirty-two thousand (132,000) pounds for the routine configuration, one hundred thirty-eight thousand (138,000) pounds for the 1-2-3-1 and 1-3-2-1 configurations, and one hundred fifty thousand (150,000) pounds for the 1-2-2-2 configuration.

#### **8-Axle Configurations**

Single-Triple-Quad (1-3-4) (Routine Configuration)

Single-Tandem-Tandem-Triple (1-2-2-3)

Single-Triple-Triple-Single (1-3-3-1)

Single-Triple-Tandem-Tandem (1-3-2-2)

Single-Tandem-Triple-Tandem (1-2-3-2)

Minimum distance between the centers of the first and last axle is sixty-one feet (61’) for the routine configuration and seventy-five feet (75’) for all other configurations.

The following axle group spacing limitation will apply to all of the configurations as shown above, but will not apply to the steering axle. A minimum distance of fourteen feet (14’) shall be required between centers of adjacent axles on consecutive tandem, triple, and quad axle groupings and on single axles used in combination with these groupings.

Maximum gross weight allowed on an 8-axle configuration is one hundred forty-four thousand (144,000) pounds for the routine configuration and one hundred sixty thousand (160,000) pounds for all other configurations.

#### **9-Axle Configurations**

Single-Triple-Tandem-Triple (1-3-2-3) (Routine Configuration)

Single-Quad-Quad (1-4-4) (Alternative Configuration)

**Single-Double-Double-Quad (1-2-2-4) (Alternative Configuration 2)**

Single-Tandem-Triple-Triple (1-2-3-3)

Single-Triple-Quad-Single (1-3-4-1)

Single-Triple-Triple-Tandem (1-3-3-2)

Single-Tandem-Tandem-Tandem-Tandem (1-2-2-2-2)

Minimum distance between the centers of the first and last axle is **eighty-five feet (85’)** for the alternative configuration 2 and seventy-five feet (75’) for all other configurations. The following axle group spacing limitation will apply to all of the configurations as

shown above except for the alternative configuration **and alternative configuration 2**, but will not apply to the steering axle. A minimum of fourteen feet (14') shall be required between centers of adjacent axles on consecutive tandem, triple, and quad axle groupings and on single axles used in combination with these groupings. When the alternative configuration is used, a minimum distance of thirty feet (30') shall be required between centers of adjacent axles on the consecutive quad axle groupings. **When the alternative configuration 2 is used, a minimum distance of thirty feet (30') shall be required between centers of adjacent axles on consecutive tandem and quad axle groupings.**

Maximum gross weight allowed on a 9-axle configuration is one hundred fifty-six thousand (156,000) pounds for the alternative configuration and one hundred sixty thousand (160,000) pounds for all other configurations.

#### **10-Axle Configurations**

Single-Triple-Triple-Triple (1-3-3-3) (Routine Configuration)

Single-Tandem-Tandem-Tandem-Triple (1-2-2-2-3)

Single-Triple-Tandem-Tandem-Tandem (1-3-2-2-2)

Single-Tandem-Triple-Tandem-Tandem (1-2-3-2-2)

Single-Tandem-Tandem-Triple-Tandem (1-2-2-3-2)

#### **Single-Tandem-Triple-Quad (1-2-3-4)**

The minimum distance between the centers of the first and last axle is eighty-five feet (85') for all configurations.

The following axle group spacing limitation will apply to all of the configurations as shown above except for the routine configuration, but will not apply to the steering axle.

A minimum of fourteen feet (14') shall be required between centers of adjacent axles on consecutive tandem and triple axle groupings. **A minimum distance of twenty feet (20') shall be required between centers of adjacent axles on consecutive triple and quad axle groupings.** When the routine configuration is used, a minimum distance of twenty feet (20') shall be required between centers of adjacent axles on the consecutive triple axle groupings.

When possible, the distribution of the loading to the various axle groupings should be done in a manner to equalize the loadings to all of the axles on the entire configuration. When full equalization between the axles on the configuration is not possible, the gross weight variation between the individual axles (excluding the steering axle) on the entire configuration shall not be more than twenty-five percent (25%).

The maximum gross weight allowed on a 10-axle configuration is one hundred sixty thousand (160,000) pounds.

#### **11-Axle Configurations**

Single-Tandem-Tandem-Triple-Triple (1-2-2-3-3)

Single-Tandem-Triple-Tandem-Triple (1-2-3-2-3)

Single-Triple-Tandem-Tandem-Triple (1-3-2-2-3)

Single-Triple-Triple-Tandem-Tandem (1-3-3-2-2)

Single-Triple-Tandem-Triple-Tandem (1-3-2-3-2)

Single-Tandem-Triple-Triple-Tandem (1-2-3-3-2)

#### **Single-Triple-Triple-Quad (1-3-3-4)**

The minimum distance between the centers of the first and last axle is eighty-five feet (85') for all configurations.

The following axle group spacing limitation will apply to all of the configurations as shown above, but will not apply to the steering axle. A minimum distance of fourteen feet (14') shall be required between centers of adjacent axles on consecutive tandem and triple axle groupings. **A minimum distance of twenty feet (20') shall be required between centers of adjacent axles on consecutive triple and quad axle groupings.**

When possible, the distribution of the loading to the various axle groupings should be done in a manner to equalize the loadings to all of the axles on the entire configuration.

When full equalization between the axles on the configuration is not possible, the gross weight variation between the individual axles (excluding the steering axle) on the entire configuration shall not be

more than twenty-five percent (25%).

The maximum gross weight allowed on an 11-axle configuration is one hundred sixty thousand (160,000) pounds.

#### **12-Axle Configurations**

Single-Tandem-Triple-Triple-Triple (1-2-3-3-3)

Single-Triple-Tandem-Triple-Triple (1-3-2-3-3)

Single-Triple-Triple-Tandem-Triple (1-3-3-2-3)

Single-Triple-Triple-Triple-Tandem (1-3-3-3-2)

#### **Single-Triple-Quad-Quad (1-3-4-4)**

The minimum distance between the centers of the first and last axle is eighty-five feet (85') for all configurations.

The following axle group spacing limitation will apply to all of the configurations as shown above, but will not apply to the steering axle. A minimum distance of fourteen feet (14') shall be required between centers of adjacent axles on consecutive tandem and triple axle groupings. **A minimum distance of twenty feet (20') shall be required between centers of adjacent axles on consecutive triple and quad axle groupings. A minimum distance of thirty feet (30') shall be required between centers of adjacent axles on the consecutive quad axle groupings.**

When possible, the distribution of the loading to the various axle groupings should be done in a manner to equalize the loadings to all of the axles on the configuration.

When full equalization between the axles on the configuration is not possible, the gross weight variation between the individual axles (excluding the steering axle) on the entire configuration shall not be more than twenty-five percent (25%).

The maximum gross weight allowed on a 12-axle configuration is one hundred sixty thousand (160,000) pounds.

*[(E) Prior to issuing an overweight permit, the equalization system of the axle groups on the power unit and the trailer must be accepted by the Missouri Department of Transportation, Motor Carrier Services Division, 1320 Creek Trail Drive, PO Box 893, Jefferson City, MO 65102. Detailed schematic drawings may be requested. It shall be the responsibility of the applicant to contact the Motor Carrier Services Division for approval or disapproval.]*

*[(F)](E)* When it is necessary to move specialized equipment, such as mobile cranes, rock crushers, drilling equipment, or other equipment which cannot be reasonably reduced in weight to comply with legal weights, consideration shall be given for a special permit for these moves. The applicant must first give assurance that the unit has been reasonably reduced in weight and dimension (exclusive of attachments that are an intricate part necessary for the operation of the machine and/or machine adjustments necessary for weight distribution). After the weight has been reduced to a reasonable minimum, a special permit may be issued for weights not to exceed twenty thousand (20,000) pounds or legal weight on a single axle, forty thousand (40,000) pounds on a tandem axle, sixty thousand (60,000) pounds on a triple axle group, or sixty thousand (60,000) pounds on a quadrum axle group. Axle and axle groups are defined in subsection (11)(C)(B); and

*[(G)](F)* The maximum allowable gross weight in pounds for specialized equipment shall be determined by the number of axles and the distance between the external axles as indicated in the following chart:

**GROSS WEIGHT TABLE**  
**Specialized Equipment 2, 3, 4, 5, 6 Axles**

Feet	Legal Wt. 2 Axle	Permit Max. 2 Axle	Legal Wt. 3 Axle	Permit Max. 3 Axle	Legal Wt. 4 Axle	Permit Max. 4 Axle	Legal Wt. 5 Axle	Permit Max. 5 Axle	Legal Wt. 6 Axle	Permit Max. 6 Axle
4	34,000	40,000								
8	34,000	40,000	34,000	42,500						
9	39,000	40,000	42,500	53,125						
10	40,000	40,000	43,500	54,375						
11			44,000	55,000						
12			45,000	56,250	50,000	62,500				
13			45,500	56,875	50,500	63,125				
14			46,500	58,125	51,500	64,375				
15			47,000	58,750	52,000	65,000				
16			48,000	60,000	52,500	65,625	58,000	72,500		
17			48,500		53,500	66,875	58,500	73,125		
18			49,500		54,000	67,500	59,000	73,750		
19			50,000		54,500	68,125	60,000	75,000		
20			51,000		55,500	69,375	60,500	75,625	66,000	85,260
21			51,500		56,000	70,000	61,000	76,250	66,500	86,840
22			52,500		56,500	70,625	61,500	76,875	67,000	88,420
23			53,000		57,500	71,875	62,500	78,125	68,000	90,000
24			54,000		58,000	72,500	63,000	78,750	68,500	91,500
25			54,500		58,500	73,125	63,500	79,375	69,000	93,160
26			55,500		59,500	74,375	64,000	80,000	69,500	94,740
27			56,000		60,000	75,000	65,000	81,250	70,000	96,320
28			57,000		60,500	75,625	65,500	81,875	71,000	97,900
29			57,500		61,500	76,875	66,000	82,500	71,500	99,480
30			58,500		62,000	77,500	66,500	83,125	72,000	101,050
31			59,000		62,500	78,125	67,500	84,375	72,500	102,630
32			60,000		63,500	79,375	68,000	85,000	73,000	104,210
33					64,000	80,000	68,500	85,625	74,000	105,790
34					64,500		69,000	86,250	74,500	107,370
35					65,500		70,000	87,500	75,000	108,950
36					66,000		70,500	88,125	75,500	110,530
37					66,500		71,000	88,750	76,000	112,110
38					67,500		72,000	90,000	77,000	113,680
39					68,000		72,500	90,625	77,500	115,260
40					68,500		73,000	91,250	78,000	116,890
41					69,500		73,500	91,875	78,500	118,420
42					70,000		74,000	92,500	79,000	120,000
43					70,500		75,000	93,750	80,000	
44					71,500		75,500	94,375		
45					72,000		76,000	95,000		
46					72,500		76,500	95,625		
47					73,500		77,500	96,875		
48					74,000		78,000	97,500		
49					74,500		78,500	98,125		
50					75,500		79,000	98,750		
51					76,000		80,000	100,000		
52					76,500					
53					77,500					
54					78,000					
55					78,500					
56					79,500					
57					80,000					

**GROSS WEIGHT TABLE**  
Specialized Equipment with 7, 8, 9 Axles

<b>Feet</b>	<b>Legal Wt. 7 Axle</b>	<b>Permit Max. 7 Axle</b>	<b>Legal Wt. 8 Axle</b>	<b>Permit Max. 8 Axle</b>	<b>Legal Wt. 9 Axle</b>	<b>Permit Max. 9 Axle</b>
24	74,000	92,800				
25	74,500	94,400				
26	75,000	96,000				
27	75,500	97,600				
28	76,500	99,200				
29	77,000	100,800				
30	77,500	102,400				
31	78,000	104,000				
32	78,500	105,000				
33	79,000	107,200				
34	80,000	108,800		108,800		
35		110,400		110,400		
36		112,000		112,000		
37		113,600		113,600		
38		115,200		115,200		
39		116,800		116,800		
40		118,400		118,400		
41		120,000		120,000		
42		121,600		121,600		
43		123,200		123,200		123,200
44		124,800		124,800		124,800
45		126,400		126,400		126,400
46		128,000		128,000		128,000
47		129,600		129,600		129,600
48		131,200		131,200		131,200
49		132,800		132,800		132,800
50		134,400		134,400		134,400
51		135,520		136,000		136,000
52		136,640		137,600		137,600
53		137,760		139,200		139,200
54		138,880		140,800		140,800
55		140,000		142,400		142,400
56				144,000		144,000
57				144,800		144,800
58				145,600		145,600
59				146,400		146,400
60				147,200		147,200
61				148,000		148,000
62				148,800		148,800
63				149,600		149,600
64				150,000		150,000
65				151,200		151,200
66				152,000		152,000

If the specialized equipment exceeds the:

1. Allowable weight on an axle or axle group;
2. Gross weight for the number of axles; or
3. Does not meet the required axle spacings for the number of

axles;

the permit request will be considered according to the rules of section (15).



(12) Procedures for Emergency Movements.

(B) Emergency movements into or within the state may be allowed day or night, seven (7) days a week by **permit or** verbal approval from either the motor carrier compliance supervisor or other designated motor carrier services representative.

(C) **Following verbal approval**, [A]an official permit covering each emergency movement must be obtained on the first working day immediately following the move.

(I) Escort vehicles shall travel approximately three hundred feet (300') in front on two- (2-) lane pavement or approximately three hundred feet (300') in rear on dual lane or multi-lane undivided pavement. Escort vehicles shall use clearance lights in lieu of flags and reflectorized oversize **or** **overwide** load signs are required for travel at night or when visibility is less than five hundred feet (500'). Escort vehicles will not be allowed to convoy movements.

(J) In addition to the special provisions contained herein, the permittee shall use clearance lights in lieu of flags at the extreme edges of an overwidth load and reflectorized oversize **or** **overwide** load signs mounted on the front and rear of the vehicle and load when visibility is less than five hundred feet (500') and shall observe all other Missouri oversize and overweight permit regulations.

[L] *Blanket permits for emergency movements, if authorized, in lieu of verbal procedure, require special procedures in addition to those previously mentioned (see section (6)). Such blanket permits will be valid only for the initial response to an emergency and the return trip from that emergency. Movement for purposes other than to or from an emergency response will require a single trip permit be obtained during regular working hours and must comply with the permit regulations' limitations for weight and dimensions.]*

(13) Regulations for the movement of loads over twelve feet four inches (12'4") to fourteen feet (14') wide. The following requirements in addition to the requirements of oversize and overweight permit regulations for movement of loads up to twelve feet four inches (12'4") in width shall apply to all loads over twelve feet four inches (12'4") to fourteen feet (14') in overall width.

[C] *All permits will be one- (1-) way single trip.]*

(14) Regulations for the movement of loads over fourteen feet (14') to sixteen feet (16') overall width. The following requirements, in addition to the requirements of oversize and overweight permit regulations for movement of loads up to twelve feet four inches (12'4") in width, shall apply to the movement of allowed loads. Farm products (hay) shall not exceed fourteen feet (14') in width.

[D] *All permits will be one- (1-) way single trip.]*

(15) Super Heavy and Large Load Movement. Loads in excess of routine permit limits will be considered according to the following regulations when air, rail, or water terminal points are not available:

(A) All permit applications with dimensions or weights exceeding the routine limits of the preceding oversize and overweight permit rule (generally in excess of sixteen feet (16') wide, sixteen feet (16') high, one hundred fifty feet (150') long and/or over one hundred sixty thousand (160,000) pounds gross weight) shall be submitted by fax or online, along with proof of insurance. *[Valid vehicle registration may be required, as well as]* A minimum of four hundred twenty-five dollars (\$425) **may be required** in escrow (to cover the cost of a bridge analysis) before an application can be processed. Applications for this type of move are available on request or online. The applicant should allow at least two (2) weeks for a route evaluation. If any problems exist that may prevent the move from reaching its destination over the state highway system, the application will not be approved;

(F) Restrictions and Requirements.

1. Travel on interstate and other divided highways allowed from one-half (1/2) hour before sunrise to one-half (1/2) hour after sunset except where restricted in tourist and urban areas (see subsections

(9)(D) and (9)(E)) and as prohibited by holiday restrictions in subsection (1)(I).

2. No movement from 6:30 a.m. to 9:00 a.m. and 3:30 p.m. to 6:00 p.m. on all other routes on the state highway system.

3. Travel is allowed on Saturday and Sunday for moves fourteen feet (14') wide and less[, *except movement may be restricted for loads that are required to travel over a bridge structure at crawl speed*], and no movement is allowed on Saturday and Sunday in tourist areas (see subsection (9)(D)).

4. Unless otherwise stated on the permit, dates and times of travel will be determined by the Missouri State Highway Patrol if the load requires their escort services;

(G) Escort Requirements. If Missouri State Highway Patrol escorts are required for a continuous portion of the move but not the entire move, they are only required for that portion. If the patrol escort is required for an intermittent portion of the move, they will be required to escort the entire move. In addition to escort requirements as outlined in subsection (9)(I)(G), the following requirements apply to super heavy and large load movements:

1. One (1) front and one (1) rear civilian escort is required for all superloads, except;

2. If a load is required to cross bridge structures at crawl speed in the Kansas City and St. Louis areas, then one (1) front and two (2) rear civilian escorts are required for that portion of the move;

3. One (1) front and two (2) rear civilian escorts are required on all sections of dual lane highways traversed if load exceeds sixteen feet (16') wide and Missouri State Highway Patrol escorts are not present. If Missouri State Highway Patrol escorts are present, one (1) front and one (1) rear civilian escort is required. In addition to the civilian escorts required above;

4. Missouri State Highway Patrol escorts are required when load exceeds:

A. Sixteen feet (16') wide on any highway other than interstate or MO 370;

B. Eighteen feet (18') wide on interstate or MO 370;

C. One hundred fifty feet (150') overall length on any highway;

D. Seventeen feet (17') high on any highway;

E. Any time deemed necessary due to complexity of route or load. The Missouri State Highway Patrol *[will]* **may** conduct a Level I inspection prior to performing escort services. Motor Carrier Services may, at their discretion, **waive Missouri State Highway Patrol escort requirement or** allow the substitution of local **or** **military** law enforcement in the place of Missouri State Highway Patrol escorts *[for moves that are limited in length]*;

(H) All future permitting authority for a carrier may be revoked if the Missouri State Highway Patrol, *[is]* **local or military law enforcement agencies acting as escorts, are** not reimbursed for superload escorting services;

(J) Before and after studies will be conducted of the highways and bridges traversed by the movement and any resulting damages shall be repaired at the expense of the permittee as directed by the Missouri Department of Transportation;].

[K] *For the purpose of moves under section (15), the applicant must have insurance in the amount of two (2) million dollars combined single limit automobile liability before a permit can be issued. The applicant shall provide evidence of such insurance satisfactory to the Motor Carrier Services Division before a permit will be issued; and*

[L] *Approved applications will require full payment to the "Director of Revenue" by check or other suitable means of payment. The draft shall include payment of the permit fee and all evaluation fees. Roadway structures on the proposed route will be analyzed by the Missouri Department of Transportation to determine whether the move can be safely made. (See paragraph (4)(E)5. for fee schedule.)]*

(16) Noncommercial Building (House) Movement.

(A) Permits are available for the movement of noncommercial buildings that exceed the established oversize and overweight permit limits listed in these regulations. These permits are available from district offices listed *[in subsection (4)(H)]* below. These rules and regulations are not intended for the movement of commercial buildings or repeated movements of similar buildings.

**1. Permits for the movement of noncommercial buildings that exceed the established oversize and overweight permit limits are available from the district offices listed below:**

A. St. Joseph—3602 North Belt Highway, St. Joseph, MO 64502, (816) 387-2350;

B. Hannibal—1711 Highway 61 South, Hannibal, MO 63401, (573) 248-2490;

C. Lee's Summit—600 NE Colbern Road, Lee's Summit, MO 64086, (816) 622-6500;

D. Jefferson City—1511 Missouri Boulevard, Jefferson City, MO 65109, (573) 751-3322;

E. Chesterfield—14301 S. Outer 40, Chesterfield, MO 63017-5712, (314) 340-4100;

F. Springfield—3025 E. Kearney, Springfield, MO 65801, (417) 895-7600; and

G. Sikeston—2675 North Main Street, Sikeston, MO 63801, (573) 472-5333.

*[1.]2.* Movement of a building that will not allow one- (1-) way traffic to pass the load will be limited to no more than one (1) mile in length on the state highway system if the traffic volume on the proposed route exceeds five hundred (500) vehicles per day. If the traffic volume is less than five hundred (500) vehicles per day, movement will be considered up to a distance of three (3) miles on the state highway system.

*[2.]3.* Movement of a building greater than sixteen feet (16') in overall width that will allow one- (1-) way traffic to pass the load will be limited to no more than two (2) miles on the state highway system if the traffic volume on the proposed route exceeds two thousand (2,000) vehicles per day. If the traffic volume is less than two thousand (2,000) vehicles per day, movement will be considered up to a distance of ten (10) miles on the state highway system.

*[3.]4.* The traveled distances listed in the above two (2) paragraphs reflect the total miles of the move on the state highway system rather than miles allowed to move per attempt. Short segments of the state highway system may be used in a move provided the total mileage allowed on the state highway system is not exceeded. The district engineer or his/her representative may consider a longer travel distance if the entire move can be made during periods of lower traffic volumes listed in the above two (2) paragraphs of this section. Additional restrictions regarding travel during adverse weather conditions are at the discretion of the Missouri Department of Transportation district engineer or his/her representative.

(B) The allowable overall height, width, length, and time of travel shall be based on physical features and traffic volumes along the route. Bridges posted with a maximum weight limit of less than forty (40) tons should be avoided and will be analyzed for the type vehicle and load prior to receiving approval to cross that bridge. All axles on the hauling unit shall be load carrying with a maximum degree of equalization. The district engineer or his/her representative shall determine whether or not the hauling unit, number of axles, and axle arrangements are acceptable. When it is determined a bridge analysis is required, an additional fee shall be charged to recover bridge analysis costs. See subsection (4)(E)(B). Loads in excess of sixteen feet (16') in width may require a sketch displaying the side and rear view of the load with dimensions including any overhang.

(E) Escort Requirements. Applicants should refer to sections 324.700 through 324.745 of the *Missouri Revised Statutes* for additional information pertaining to house moves. In addition to escort requirements as outlined in *[paragraph] section (9)(H)4. and subsection (9)(I)*, the following requirements apply to all house moves:

1. One (1) front and one (1) rear civilian escort is required for all house moves, except;

2. One (1) front and two (2) rear civilian escorts are required in Kansas City and St. Louis areas when load is required to cross bridge structures at crawl speed;

3. One (1) front and two (2) rear civilian escorts required on all sections of dual lane highways traversed if load exceeds sixteen feet (16') wide; and

4. Law enforcement escorts may be required at the district engineer or his/her representative's discretion.

*[(17) Multi-State Permits.*

*(A) The Missouri Department of Transportation is authorized to participate in the Multi-State Permit Program. This program provides a single, routine, uniform mechanism for processing single-trip permits for oversize and overweight vehicle combinations at the option of the department. Such a permit allows a motor carrier to travel through several states with one (1) point of contact and one (1) permit document.*

*(B) The same rules, regulations, and fees apply to Multi-State Permits as any other single trip permit, except the permit will be valid for a period of ten (10) calendar days. Also, these permits can only be obtained to transport loads within current envelope dimensions and weights.*

*(18) Permit and application forms are available from the Missouri Department of Transportation, Motor Carrier Services Division, 1320 Creek Trail Drive, PO Box 893, Jefferson City, MO 65102 or call (800) 877-8499 or (573) 751-7100.]*

*AUTHORITY: section 304.200, RSMo Supp. 2013, and section 304.180, RSMo Supp. [2014] 2015. This rule was previously filed as 7 CSR 10-2.010. Original rule filed July 12, 2005, effective Feb. 28, 2006. For intervening history, please consult the Code of State Regulations. Amended: Filed Oct. 14, 2016.*

*PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

*PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Department of Transportation, Pam Harlan, Secretary to the Commission, PO Box 270, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

**Title 7—DEPARTMENT OF TRANSPORTATION  
Division 10—Missouri Highways and Transportation  
Commission  
Chapter 25—Motor Carrier Operations**

**PROPOSED AMENDMENT**

**7 CSR 10-25.030 Apportion Registration Pursuant to the International Registration Plan.** The Missouri Highways and Transportation Commission is amending sections (1), (2), and (9).

*PURPOSE: This proposed amendment clarifies the definition of division, clarifies the temporary vehicle registration process, and outlines the consequences of flagrant or repeated violation of temporary vehicle registration rules.*

(1) Definitions.

**(C) Division means the Motor Carrier Services Division of the Missouri Department of Transportation; and**

*[(C)](D)* Temporary vehicle registration means a temporary permit authorizing operation of vehicles in other member jurisdictions pending full registration upon completion of the initial or renewal application.

(2) Whenever the *[Missouri Highways and Transportation C/commission [(commission)]* has entered into a reciprocal agreement providing for exemption from registration or the payment of registration fees on an apportionment basis with other member jurisdictions, the operator of a fleet of vehicles based in any one (1) of the member jurisdictions must comply with the provisions of the applicable agreement. The *International Registration Plan* (IRP) is a registration reciprocity agreement among the states of the United States, Washington D.C., and the Canadian provinces and includes Missouri as a member. The IRP, published *[January] July 1, 2015*<sup>6</sup>, *[and IRP Ballot 391, published June 20, 2014 and adopted September 8, 2014, are]* incorporated herein by reference and made a part of this rule as published by the International Registration Plan, Inc., 4196 Merchant Plaza, #225, Lake Ridge, VA 22192. This rule does not incorporate any subsequent amendments or additions.

(9) **Temporary Vehicle Registration. Upon prior and immediate submission of: payment of all required fees; creation of an account with the commission; and all required documentation that shall be subject to approval by the director or the director's designee, then the commission may issue [T/temporary vehicle registration (TVR), in lieu of apportioned registration and licenses, [will be issued] for forty-five (45) days for Missouri-based licensed vehicles [upon establishing an account with the commission in lieu of apportioned registration and licenses] so that a vehicle may immediately operate upon the highways of Missouri [unless the commission has cause to believe that the applicant will not forward immediately the fees and documentation due the state of Missouri]. A Missouri-based licensed vehicle may have one (1) fifteen- (15-) day TVR extension, but only after all fees have been paid and all required documents have been submitted and have received approval. Copies of the TVRs must be carried in the vehicles at all times when no cab cards are available and displayed upon request of any law enforcement or Missouri Department of Transportation official.**

(A) **Suspension. After issuance of any TVR, [I]f the commission determines that payment of the required fees were not deposited with the commission and/or the commission determines the documentation [is not received prior to the expiration of the forty-five- (45-) day TVR], for any reason, is insufficient to support the continued use of the TVR, or the privilege of a TVR is being abused, the commission shall suspend the registrant's privileges of receiving TVRs and/or additional credentials for that registrant's [fleets] vehicles for the duration of the suspension period. A suspension period shall not exceed six (6) months. Prior to the issuance of any suspension of TVRs and credentials, the commission shall notify the registrant in writing [that payment and/or documentation has not been received or the TVR privilege is being abused] that the commission shall suspend the registrant's TVR effective on a date ten (10) days after the date of the letter, the reason or reasons for, and duration of, the suspension, and provide information regarding the action or actions the registrant must [take] complete within ten (10) days of the date of the letter to become compliant and avoid imposition of the suspension. Upon the registrant taking the action or actions set forth in the commission's notice, the suspension shall be terminated. If the suspension is solely due to TVR abuse, the registrant shall not receive TVRs for the length of the suspension, but may receive other credentials.**

(B) **Revocation. The alteration of a TVR will result in a one- (1-) year TVR revocation. [Revocation of TVR privileges does not**

*hinder a registrant's ability to register other vehicles.]* Revocation of TVR privileges will be reviewed not later than one (1) year after the revocation *[implementation] was imposed and became effective* at which time if all delinquent fees are paid and all required registration documentation is submitted and confirmed by the director, or the director's designee, to be accurate, then a reinstatement order will be issued.

**(C) Flagrant and/or repeated violations. Flagrant or repeated violations of these rules related to TVR credentials are not in the interest of public safety and the carrier will be advised by the director in writing if the carrier's record requires that future TVR credentials shall not be granted to the carrier by the commission. Suspensions, revocations, and reinstatements may be modified or rescinded by the director, or the director's designee.**

*[(C)](D)* Fees. When a request for TVR is made, fees will be charged according to the application type from the time of issuance until the end of the registration year. At no time will the application type be changed during operation or after the expiration of the TVR unless approved by the director or his/her designee. The director or his/her designee may cancel the TVR if the registrant returns the TVR within five (5) days of issuance or reduce TVR fees if the TVR is returned before the expiration date and provided the registrant submits adequate proof to support registrant's written request for reduction of fees.

**(E) Delegation. The commission hereby delegates any action it is required or may take under this section (9) to the director, or the director's designee.**

*AUTHORITY: sections 142.617, 226.130, and 301.275, RSMo 2000, and section 226.008, RSMo Supp. 2014. This rule originally filed as 12 CSR 20-3.010. Original rule filed July 22, 1965, effective Aug. 1, 1965. For intervening history, please consult the Code of State Regulations. Amended: Filed Oct. 14, 2016.*

*PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

*PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Department of Transportation, Pam Harlan, Secretary to the Commission, PO Box 270, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

**Title 7—DEPARTMENT OF TRANSPORTATION  
Division 10—Missouri Highways and Transportation  
Commission  
Chapter 25—Motor Carrier Operations**

**PROPOSED AMENDMENT**

**7 CSR 10-25.070 Definitions.** The Missouri Highways and Transportation Commission is amending section (1).

*PURPOSE: This proposed amendment clarifies the definition of bulk fuel storage, fuel trip permit miles, nontaxable fuel, nontaxable miles, off highway/road miles, and power take off; removes a definition no longer needed, and updates incorporated by reference materials.*

(1) When used in administrative rules 7 CSR 10-25.070 through 7 CSR 10-25.073, the following words and phrases have the meaning

set forth here in this rule:

(A) "Agreement" means the International Fuel Tax Agreement (IFTA), which is incorporated herein by reference and made a part of this rule as published by the International Fuel Tax Association, Inc., 912 West Chandler Blvd., B-7, Chandler, AZ 85225, revised [January] July 1, 20/07/15. This rule does not incorporate any subsequent amendments or additions of this manual;

(B) "Bulk fuel storage" means [when a licensee maintains tax paid fuel in] a bulk fuel storage [tank that will be] facility is being used to redistribute/d] tax paid fuel into qualified vehicles as needed. [A licensee] Credit may be claimed on the [gallons as a] tax paid purchase, on the IFTA return under "tax-paid gallons", as it is placed into the tanks of qualified vehicles [but not before] provided the licensee maintains the date of withdrawal, number of gallons or liters withdrawn, fuel type, unit number of the vehicle into which the fuel was placed, and purchase invoices and inventory records showing that tax was paid on the bulk fuel purchases;

(F) "Fuel trip permit miles" means miles accumulated while operating on a temporary fuel permit. Fuel trip permit miles are not [considered] taxable miles in any member jurisdiction. [These] Fuel trip permit miles [would be] are included [in] as total miles traveled on the quarterly tax return but are not included as [total] taxable miles for the jurisdiction that issued the permit;

[(I)] "Non-IFTA miles" means miles traveled in jurisdictions that are not members of IFTA. These miles must be included on the IFTA quarterly return in order to determine the correct miles per gallon;]

[(J)](I) "Nontaxable fuel" [means fuel purchased from a non-IFTA jurisdiction or used to operate unlicensed equipment that is drawn from a supply tank of a motor vehicle;] is tax-paid fuel used to power a vehicle on roads other than the state's public highways (off-highway use); fuel used to operate devices mounted on the vehicle and powered by a power take-off (PTO) attached to the vehicle's transmission or used to power a refrigeration unit, generator, or any similar equipment wherein fuel is not used to power the tractor. Nontaxable fuel uses do not affect IFTA reporting. The IFTA quarterly tax return must include all gallons used by the licensee's qualified motor vehicles during the reporting period. Missouri allows refunds of fuel use tax on fuel used for purposes other than operating on the state's public highway system. To recover fuel tax paid on fuel used in other nontaxable ways, a licensee must file a claim for motor fuel tax refund with the Missouri Department of Revenue;

[(K)](J) "Nontaxable mile[age]s" [means miles traveled that are not subject to motor fuel taxes;] are miles traveled while using a fuel trip permit. Fuel trip permit miles are not taxable miles in any member jurisdiction. Fuel trip permit miles are included as "total miles" on the quarterly tax return but are not included as "taxable miles" for the jurisdiction that issued the permit. Toll miles are taxable miles. Toll fees are not fuel taxes;

[(L)](K) "Off highway/road miles" [means any] are miles not driven on a public highway. These miles are [not] taxable [in Missouri but may be in some IFTA member jurisdictions;] on the IFTA quarterly tax form in the total miles and taxable miles section. A licensee's IFTA quarterly tax return must include all miles traveled by qualified motor vehicles during the reporting period. Missouri allows refunds of motor fuel taxes paid on fuel used for purposes other than operating on the state's public highway system. Licensees can claim a motor fuel tax refund with the Missouri Department of Revenue;

[(M)](L) "Power of attorney" means a written statement legally authorizing a person to act on behalf of the applicant or licensee; and

[(N)](M) "Power Take Off (PTO) Equipment" means [vehicle-mounted] any accessory that is mounted onto, or an integral part of, the transmission of a motor vehicle that is registered for highway purposes and the equipment [that] is powered by the main engine that also propels the vehicle.

AUTHORITY: sections 142.617, 226.130, and 301.275, RSMo 2000,

and section 226.008, RSMo Supp. [2007] 2014. This rule originally filed as 12 CSR 20-7.010. Original rule filed Nov. 1, 1991, effective March 9, 1992. Moved to 7 CSR 10-25.070 and amended: Filed Aug. 9, 2007, effective Feb. 29, 2008. Amended: Filed Oct. 14, 2016.

**PUBLIC COST:** This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

**PRIVATE COST:** This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

**NOTICE TO SUBMIT COMMENTS:** Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Department of Transportation, Pam Harlan, Secretary to the Commission, PO Box 270, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 7—DEPARTMENT OF TRANSPORTATION  
Division 10—Missouri Highways and Transportation  
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Chapter 25—Motor Carrier Operations**

**PROPOSED AMENDMENT**

**7 CSR 10-25.072 Fuel Tax Returns.**The Missouri Highways and Transportation Commission is amending sections (2), (5), (11), (12), (13), (14), and (19), deleting sections (8) and (9), and renumbering sections (11) through (19).

**PURPOSE:** This proposed amendment removes unnecessary language and allows eligible licensees to file their four (4) quarterly tax returns at once.

(2) [Quarterly returns are provided to the licensee at no charge at least thirty (30) days prior to the due date. Failure to receive the authorized return form does not relieve the licensee of the obligation to file the required return.] Licensees that travel less than five thousand (5,000) miles during a single calendar year in jurisdictions other than the state of Missouri may qualify to file all four (4) quarterly International Fuel Tax Agreement (IFTA) returns at one (1) time. The returns are due on or before January 31 of the following year.

(5) Quarterly returns may be sent via United States mail, delivered in person, facsimile, or electronically filed.

[(8)] Gallons of fuel consumed during idle time are taxable and must be reported on the IFTA quarterly return.

(9) Fuel used in a tank separate from the tank that propels the power unit is defined as reefer fuel. This fuel is not subject to tax and should not be included on the IFTA quarterly return. Refunds may be obtained by contacting the Missouri Department of Revenue, Taxation Bureau.]

[(10)](8) Payment of all taxes, penalties, and interest, if applicable, due and owing to all IFTA member jurisdictions shall accompany the quarterly tax return. Any licensee may be required to make all payments by certified check or money order for good cause determined by the commission's Motor Carrier Services Division (MCS) director or his/her designee.

[(11)](9) Quarterly returns, after calculating all taxes owed to jurisdictions operated in during the quarter by the licensee, that result/s/

in a credit to the licensee, may be refunded at the request of the licensee or credit may be accumulated to use on subsequent quarterly returns not to exceed eight (8) calendar quarters. Refunds of accumulated credits shall only be issued on credits of ten dollars (\$10) or more.

*[(12)](10)* Refunds to licensees will only be made when all tax liability, including audit assessments, have been satisfied to all applicable jurisdictions.

*[(13)](11)* A return not filed by the due date shall be considered as late and any taxes due delinquent. If the return is received on or before the due date, but rejected because the return is not sufficient for processing and the return is received a second or subsequent time after the due date, penalty and interest will be assessed. *[A return shall contain total miles traveled in all jurisdictions, total fuel consumed in all jurisdictions, total miles, total taxable miles, and tax paid gallons to be processed.]*

*[(14)](12)* A licensee who files a late return or who fails to pay taxes due by the required due date shall be subject to a penalty of fifty dollars (\$50) or ten percent (10%) of the tax due, whichever is greater even if no tax is due or the licensee is entitled to a refund or credit of any taxes paid. The licensee may request in writing that the late penalty be waived by the MCS director or his/her designee. The waiver may be granted *[one (1) time only over a period of three (3) calendar years or]* for *[other]* circumstances which the director or his/her designee deems appropriate.

*[(15)](13)* A licensee who fails to pay taxes due shall be assessed interest at the rate *[of twelve percent (12%) per annum as]* established by the Agreement. The interest due on taxes owing to other jurisdictions shall not be waived without prior written approval from such other jurisdictions.

*[(16)](14)* A licensee may be required by the commission to post a cash bond: a) to reinstate a suspended account; or b) when in the commission's discretion, a bond is required to protect the interests of the IFTA member jurisdictions. The IFTA license can be suspended for non-filing of a quarterly tax return and/or delinquent taxes, penalties, and/or interest. Licensees will be notified thirty (30) days after the required due date that their account is in jeopardy of being suspended. Failure to respond within thirty (30) days of the notification will result in a Notice of Suspension.

*[(17)](15)* To reinstate an IFTA license, all delinquent quarterly returns must be filed and all outstanding taxes, penalties, and/or interest paid. Licensees with a tax liability of more than one hundred twenty-five dollars (\$125) are required to post a cash bond in the amount twice the average tax liability. The minimum bond amount to be posted will be three hundred dollars (\$300). The MCS bond form must be completed in the exact name as the IFTA fleet, must be signed and notarized. The MCS director or his/her designee may reduce the bond amount for other circumstances which the director or his/her designee deems appropriate.

*[(18)](16)* Licensees may request their bond to be refunded upon closing their IFTA fleet or if they have filed timely returns for the last three (3) years and all tax liabilities and assessments have been satisfied.

*[(19)](17)* Any contractor or subcontractor of the commission that is subject to regulation under these administrative rules shall at all times while conducting business with the commission under such contract be in good standing with the laws of the state of Missouri and the administrative rules of the commission, or shall obtain full compliance with such laws or rules within ten (10) days of being notified of noncompliance by MCS.

*AUTHORITY: sections 142.617, 226.130, and 301.275, RSMo 2000, and section 226.008, RSMo Supp. [2007] 2014. This rule previously filed as 12 CSR 20-7.030. Original rule filed Nov. 1, 1991, effective March 9, 1992. Moved to 7 CSR 10-25.072 and amended: Filed Aug. 9, 2007, effective Feb. 29, 2008. Amended: Filed Oct. 14, 2016.*

*PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

*PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Department of Transportation, Pam Harlan, Secretary to the Commission, PO Box 270, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

**Title 7—DEPARTMENT OF TRANSPORTATION  
Division 10—Missouri Highways and Transportation  
Commission  
Chapter 25—Motor Carrier Operations**

**PROPOSED AMENDMENT**

**7 CSR 10-25.080 Investigation and Audits.** The Missouri Highways and Transportation Commission is amending section (1).

*PURPOSE: The Missouri Highways and Transportation Commission is authorized to require reports and perform audits and investigations of registrants and licensees to assist the commission in the performance of its duties. This proposed amendment updates the effective dates of the latest revisions to the International Registration Plan and International Fuel Tax Agreement.*

(1) The commission may require reports from registrants/licensees as may be useful to assist the commission in performance of its duties. These reports shall furnish information as may be required by the International Registration Plan (IRP), which is incorporated herein by reference and made a part of this rule as published by the International Registration Plan, Inc., *[4301 Wilson Blvd., Ste. 400, Arlington,]* **4196 Merchant Plaza, #225, Lake Ridge, VA 221203/192**, effective July 1, 20/08/16; and/or the International Fuel Tax Agreement (IFTA), which is incorporated herein by reference and made a part of this rule as published by the International Fuel Tax Association, Inc., 912 West Chandler Blvd., B-7, Chandler, AZ 85225, revised *[January]* **July 1, 20/07/15**; and/or the commission and shall cover certain periods and be made at the times the commission may direct. This rule does not incorporate any subsequent amendments or additions of the Plan or Agreement. These reports shall be in the form prescribed by the commission and shall be signed under certification as to the accuracy of the information included in such report. The aforementioned signatory shall be a person authorized to make such report on behalf of the registrant/licensee, which shall include, but not be limited to, the president, vice-president, secretary, or other responsible officer or employee of a corporation or association or by a partner or a responsible employee of a partnership.

*AUTHORITY: sections 226.130 and 301.275, RSMo 2000, and section 226.008, RSMo Supp. [2007] 2014. This rule originally filed as 12 CSR 20-5.010. Original rule filed July 22, 1965, effective Aug. 1, 1965. For intervening history, please consult the Code of State Regulations. Amended: Filed Oct. 14, 2016.*

*PUBLIC COST:* This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

*PRIVATE COST:* This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

*NOTICE TO SUBMIT COMMENTS:* Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Department of Transportation, Pam Harlan, Secretary to the Commission, PO Box 270, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 7—DEPARTMENT OF TRANSPORTATION  
Division 60—Traffic and Highway Safety Division  
Chapter 1—Motorcycle Safety Education Program**

**PROPOSED AMENDMENT**

**7 CSR 60-1.010 Definitions.** The Missouri Highways and Transportation Commission is adding a new section (1), renumbering, and amending sections (1)–(11).

*PURPOSE:* This proposed amendment defines terms used in the rules which pertain to the administration and operation of the Motorcycle Safety Education Program.

*PUBLISHER'S NOTE:* The secretary of state has determined that the publication of the entire text of the material which is incorporated by reference as a portion of this rule would be unduly cumbersome or expensive. This material as incorporated by reference in this rule shall be maintained by the agency at its headquarters and shall be made available to the public for inspection and copying at no more than the actual cost of reproduction. This note applies only to the reference material. The entire text of the rule is printed here.

**(1) Commission—Missouri Highways and Transportation Commission.** The commission is the state entity created in article IV, section 29, of the Missouri Constitution, and is in charge of the Missouri Department of Transportation.

**[(1)](2) Department—Missouri Department of [Public Safety] Transportation.** The department is the state agency designated by the governor to establish and administer the motorcycle rider training and safety program.

**[(2)](3) Division—[Division of] Traffic and Highway Safety Division.** A division within the department assigned with the responsibility for establishing and administering the motorcycle rider training [course] and safety program [per Motorcycle Safety Foundation (MSF) guidelines] or equivalent per Uniform Procedures for State Highway Safety Grant Program 23 CFR Part 1300.25 (e) Motorcycle Rider Training Course. On and after December 4, 2015, the federal Fixing America's Surface Transportation (FAST) Act requires National Highway Traffic Safety Administration (NHTSA) to award grants pursuant to rulemaking that meets or exceeds standards established by the United States Department of Transportation, National Highway Traffic Safety Administration, identified as "Uniform Procedures for State Highway Safety Grant Programs: Final Rule" Vol. 81 FR 32554-32605 as published in the Federal Register on May 23, 2016 by the National Highway Traffic Safety Administration, 1200 New Jersey SE, Washington, DC 20590 and that shall become effective beginning on May 23, 2016, which is hereby incorporated by reference and made a part of this rule. This section does not incorporate any subsequent amendments or additions to this publication.

**[(3)](4) Experienced rider course—At a minimum, [A]a current, approved [Motorcycle Safety Foundation] motorcycle rider training course per Uniform Procedures for State Highway Safety Grant Program 23 CFR Part 1300.25 (e) Motorcycle Rider Training Course** of instruction designed to provide experienced motorcyclists with additional skills and knowledge found to be lacking in accident-involved motorcyclists. **On and after December 4, 2015, the FAST Act requires NHTSA to award grants pursuant to rulemaking that meets or exceeds standards established by the United States Department of Transportation, National Highway Traffic Safety Administration, identified as "Uniform Procedures for State Highway Safety Grant Programs: Final Rule" Vol. 81 FR 32554-32605 as published in the Federal Register on May 23, 2016 by the National Highway Traffic Safety Administration, 1200 New Jersey SE, Washington, DC 20590 and that shall become effective beginning on May 23, 2016, which is hereby incorporated by reference and made a part of this rule. This section does not incorporate any subsequent amendments or additions to this publication.**

**[(4)](5) Instructor—An individual certified [by MSF] per Uniform Procedures for State Highway Safety Grant Program 23 CFR Part 1300.25 (e) Motorcycle Rider Training Course, and approved to teach the motorcycle rider training courses in Missouri.** This individual, unless directly employed by the department as a motorcycle safety instructor, is not an agent, servant, or employee of the department or state of Missouri. **On and after December 4, 2015, the FAST Act requires NHTSA to award grants pursuant to rulemaking that meets or exceeds standards established by the United States Department of Transportation, National Highway Traffic Safety Administration, identified as "Uniform Procedures for State Highway Safety Grant Programs: Final Rule" Vol. 81 FR 32554-32605 as published in the Federal Register on May 23, 2016 by the National Highway Traffic Safety Administration, 1200 New Jersey SE, Washington, DC 20590 and that shall become effective beginning on May 23, 2016, which is hereby incorporated by reference and made a part of this rule. This section does not incorporate any subsequent amendments or additions to this publication.**

**[(5)](6) Minor—Any person fifteen and one-half (15 1/2) years (15 years and 182 days) old the day the course begins but less than eighteen (18) years old prior to course completion.**

**[(6)](7) Mobile site sponsor—A public or private entity bound by a letter of agreement with the Missouri Highways and Transportation Commission to advertise for and enroll students, pay for insurance, and provide a facility for the riding portion of the course. The sponsor and/or department will provide/s/ the remaining equipment, material, and instructional staff for the course. In its role as a mobile site sponsor, this entity is not an agent, servant, or employee of the commission, department, or the state of Missouri.**

**[(7)](8) Motorcycle rider training course—A current, approved [Motorcycle Safety Foundation] rider course of instruction, equivalent to Uniform Procedures for State Highway Safety Grant Program 23 CFR Part 1300.25 (e) Motorcycle Rider Training Course** designed to teach new or inexperienced motorcyclists basic riding skills and defensive street riding strategies. **On and after December 4, 2015, the FAST Act requires NHTSA to award grants pursuant to rulemaking that meets or exceeds standards established by the United States Department of Transportation, National Highway Traffic Safety Administration, identified as "Uniform Procedures for State Highway Safety Grant Programs: Final Rule" Vol. 81 FR 32554-32605 as published in the Federal Register on May 23, 2016 by the National Highway Traffic Safety Administration, 1200 New Jersey SE, Washington, DC 20590 and that shall become effective beginning**

on May 23, 2016, which is hereby incorporated by reference and made a part of this rule. This section does not incorporate any subsequent amendments or additions to this publication.

**[[8]](9)** Motorcycle rider training program—The motorcycle rider training and safety program provides information and courses in knowledge, skills, and safety relating to the operation of motorcycles to all motorcyclists in this state. It also provides information to the general public on sharing the roadway with motorcycles.

**[[9]](10)** Motorcycle Safety Foundation (MSF)—A national, non-profit organization whose purpose is to improve the safety of motorcyclists on the nation’s streets and highways. The MSF provides programs in rider education, licensing improvement, public information, and research.

**[[10]](11)** Permanent site sponsor—A public or private entity contracted by the [department] commission to provide motorcycle rider training on a regular basis. In its role as a permanent site sponsor, this entity is not an agent, servant, or employee of the commission, department, or the state of Missouri.

*AUTHORITY: section 302.134, RSMo [2000] Supp. 2014. This rule originally filed as II CSR 60-1.010. Original rule filed March 20, 1996, effective Sept. 30, 1996. Amended: Filed Nov. 15, 2001, effective June 30, 2002. Moved to 7 CSR 60-1.010, effective Aug. 28, 2003. Amended: Filed Oct. 17, 2016.*

*PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

*PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Department of Transportation, Pam Harlan, Secretary to the Commission, PO Box 270, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

**Title 7—DEPARTMENT OF TRANSPORTATION  
Division 60—Traffic and Highway Safety Division  
Chapter 1—Motorcycle Safety Education Program**

**PROPOSED AMENDMENT**

**7 CSR 60-1.020 Program Sponsor.** The Missouri Highways and Transportation Commission is amending sections (1), (2), (4), (5), and (8).

*PURPOSE: This proposed amendment outlines the standards for an approved motorcycle rider training program sponsor.*

*PUBLISHER’S NOTE: The secretary of state has determined that the publication of the entire text of the material which is incorporated by reference as a portion of this rule would be unduly cumbersome or expensive. This material as incorporated by reference in this rule shall be maintained by the agency at its headquarters and shall be made available to the public for inspection and copying at no more than the actual cost of reproduction. This note applies only to the reference material. The entire text of the rule is printed here.*

(1) No individual, association, partnership, corporation, or educational or governmental agency may sponsor or offer training in

motorcycle operation to the public for tuition, consideration, or fee without authorization from the division. To qualify for authorization, a sponsor must be approved by the division through a current contract for a permanent site sponsor or letter of agreement for a mobile site sponsor. Approval will be denied unless a sponsor applicant meets the following requirements. The applicant must demonstrate the capacity to register students, collect and account for tuition as appropriate, arrange public notice of courses, provide required insurance coverage, and make all necessary insurance premium payments, submit and maintain all required records, and contract with, schedule, and compensate authorized instructors as appropriate.

(A) All applicants must have access to a riding area for on-cycle training that is—

1. A paved surface, including asphalt, concrete, or other all-weather surface of suitable traction; and

2. [Large] A large enough area to safely accommodate any motorcycle training range approved by the department, per [Motorcycle Safety Foundation (MSF)] guidelines[,] that are equivalent to the Uniform Procedures for State Highway Safety Grant Program 23 CFR Part 1300.25 (e) Motorcycle Rider Training Course guidelines as flat as possible, secure from vehicular and pedestrian traffic, and free of surface hazards and obstacles. On and after December 4, 2015, the Fixing America’s Surface Transportation (FAST) Act requires National Highway Traffic Safety Administration (NHTSA) to award grants pursuant to rulemaking that meets or exceeds standards established by the United States Department of Transportation, National Highway Traffic Safety Administration (NHTSA), identified as “Uniform Procedures for State Highway Safety Grant Programs: Final Rule” Vol. 81 FR 32554-32605 as published in the Federal Register on May 23, 2016 by the National Highway Traffic Safety Administration, 1200 New Jersey SE, Washington, DC 20590 and that shall become effective beginning on May 23, 2016, which is hereby incorporated by reference and made a part of this rule. This paragraph does not incorporate any subsequent amendments or additions to this publication.

(B) Applicants for permanent sites must also have access to—

1. A secure storage area to physically and environmentally protect training motorcycles and other course equipment;

2. A classroom, not located in a private residence, that is large enough to seat all students and instructors comfortably and that contains at least one (1) adequate desk or equivalent seating and writing surface for each student, and at least one (1) instructor’s desk, table, or podium;

3. Audiovisual presentation equipment for the classroom, including a [chalkboard] whiteboard or equivalent; and

4. A first-aid kit and at least one (1) five pound (5 lb.) Class ABC Occupational Safety and Health Administration (OSHA)-approved fire extinguisher, or equivalent, for the riding area.

(2) Approval as a sponsor may be suspended if the sponsor, an instructor under contract with the sponsor, or a member of the sponsoring organization with supervisory or executive duties involving the training program—

(A) Fails to [continue to] meet the requirements [of MSF] set forth by guidelines that are equivalent to Uniform Procedures for State Highway Safety Grant Program 23 CFR Part 1300.25 (e) Motorcycle Rider Training Course and/or the Missouri Department of Transportation/Traffic and Highway Safety Division. On and after December 4, 2015, the FAST Act requires NHSTA to award grants pursuant to rulemaking that meets or exceeds standards established by the United States Department of Transportation, National Highway Traffic Safety Administration, identified as “Uniform Procedures for State Highway Safety Grant Programs: Final Rule” Vol. 81 FR 32554-32605 as published in the Federal Register on May 23, 2016 by the National Highway Traffic Safety Administration, 1200 New Jersey SE, Washington, DC 20590 and that shall become effective beginning

on May 23, 2016, which is hereby incorporated by reference and made a part of this rule. This subsection does not incorporate any subsequent amendments or additions to this publication;

(B) Has been convicted or placed on probation for—

1. Any felony;
2. Any offense involving moral turpitude within the previous ten (10) years from the date of the sponsor's approval or renewal except as provided hereinafter; or
3. Any offense involving tampering with a government record, or any of the following offenses involving the operation of a motor vehicle within the previous five (5) years from the date of the sponsor's approval or renewal except as provided hereinafter:

- A. Criminally negligent homicide;
- B. Driving while intoxicated; or
- C. Driving under the influence of drugs;

(F) Knowingly or recklessly disregards or fails to comply with any departmental rule, written policy, or written procedure regarding the motorcycle [operator] rider training program; or

(G) Knowingly allows an instructor to give, or a student to receive, classroom or riding instruction if either exhibits any evidence of or effects from an alcoholic beverage, controlled substance, or drug as defined in section 195.010/(7)/(5), RSMo.

(4) Approval of the sponsor to operate the program may be canceled by Missouri Highways and Transportation Commission (MHTC) if—

(A) It was based on false or incorrect information or mistake, such as clerical or other non-substantive errors by either [party] the sponsor or MHTC; or

(B) If the [discrepancy] issue causing the suspension under these administrative rules has not been corrected within the time limit prescribed by a suspension.

(5) Each sponsor must designate a chief school official to be responsible for signing [contracts] letters of agreement on behalf of the sponsor with the department, instructors, or students and for signing any forms required of the sponsor. The chief school official must also be designated by the sponsor to be the custodian of all records, which shall be kept for a period of at least three (3) years from the date of the final performance report under the [contract] letter of agreement.

(8) When control of the sponsor has changed, as outlined in section (7) of this rule, the [contract] letters of agreement will be canceled and may be renegotiated [through the appropriate rules and regulations].

*AUTHORITY:* section 302.134, RSMo Supp. [1995] 2014. This rule originally filed as 11 CSR 60-1.020. Original rule filed March 20, 1996, effective Sept. 30, 1996. Moved to 7 CSR 60-1.020, effective Aug. 28, 2003. Amended: Filed Oct. 17, 2016.

*PUBLIC COST:* This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

*PRIVATE COST:* This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

*NOTICE TO SUBMIT COMMENTS:* Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Department of Transportation, Pam Harlan, Secretary to the Commission, PO Box 270, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

## Title 7—DEPARTMENT OF TRANSPORTATION Division 60—Traffic and Highway Safety Division Chapter 1—Motorcycle Safety Education Program

### PROPOSED AMENDMENT

**7 CSR 60-1.030 Motorcycle Instructor.** The Missouri Highways and Transportation Commission is amending sections (1) and (4).

*PURPOSE:* This proposed amendment outlines the standards for an approved motorcycle rider training program instructor.

*PUBLISHER'S NOTE:* The secretary of state has determined that the publication of the entire text of the material which is incorporated by reference as a portion of this rule would be unduly cumbersome or expensive. This material as incorporated by reference in this rule shall be maintained by the agency at its headquarters and shall be made available to the public for inspection and copying at no more than the actual cost of reproduction. This note applies only to the reference material. The entire text of the rule is printed here.

(1) No individual may instruct and/or offer instruction in motorcycle operation to the public for tuition, consideration, or fee without authorization from the division. To qualify for authorization, an instructor must be approved by the division. Approval will be denied unless an instructor applicant meets the following requirements. The applicant must agree to teach the training courses in accordance with the division's rules, policies, procedures, and approved curricula and must—

(A) Hold a current National Instructor Certification from a curriculum that is equivalent per Uniform Procedures for State Highway Safety Grant Program 23 CFR Part 1300.25 (e) Motorcycle Rider Training Course or the Motorcycle Safety Foundation (MSF), which are incorporated herein by reference and made a part of this rule[;]. On and after December 4, 2015, the Fixing America's Surface Transportation (FAST) Act requires National Highway Traffic Safety Administration (NHTSA) to award grants pursuant to rulemaking that meets or exceeds standards established by the United States Department of Transportation, National Highway Traffic Safety Administration (NHTSA), identified as "Uniform Procedures for State Highway Safety Grant Programs: Final Rule" Vol. 81 FR 32554-32605 as published in the Federal Register on May 23, 2016 by the National Highway Traffic Safety Administration, 1200 New Jersey SE, Washington, DC 20590 and that shall become effective beginning on May 23, 2016, which is hereby incorporated by reference and made a part of this rule. This subsection does not incorporate any subsequent amendments or additions to this publication;

(F) Be free from addiction to the use of alcoholic beverages or [drugs] controlled substances; and

(4) Approval may be canceled if—

(B) The [discrepancy] issue causing the suspension under 11 CSR 60-1.020 (relating to program sponsor), 11 CSR 60-1.030 (relating to motorcycle instructor), 11 CSR 60-1.040 (relating to student admission requirements), 11 CSR 60-1.050 (relating to verification of course completion by a minor), 11 CSR 60-1.060 (relating to approved motorcycle training courses), and 11 CSR 60-1.070 (relating to motorcycle requirements) has not been corrected within the time limit prescribed by a suspension.

*AUTHORITY:* section 302.134, RSMo Supp. [1995] 2014. This rule originally filed as 11 CSR 60-1.030. Original rule filed March 20, 1996, effective Sept. 30, 1996. Moved to 7 CSR 60-1.030, effective Aug. 28, 2003. Amended: Filed Oct. 17, 2016.

*PUBLIC COST:* This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.



*PRIVATE COST:* This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

*NOTICE TO SUBMIT COMMENTS:* Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Department of Transportation, Pam Harlan, Secretary to the Commission, PO Box 270, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 7—DEPARTMENT OF TRANSPORTATION  
Division 60—Traffic and Highway Safety Division  
Chapter 1—Motorcycle Safety Education Program**

**PROPOSED AMENDMENT**

**7 CSR 60-1.050 Verification of Course Completion.** The Missouri Highways and Transportation Commission is amending section (1).

*PURPOSE:* This proposed amendment outlines the standards for verification of completion in an approved motorcycle rider training program.

(1) The sponsor will issue a Missouri Motorcycle Training Certificate to a student who is at least fifteen and one-half (15 1/2) years (15 years and 182 days) of age and who has successfully completed the approved Motorcycle Rider Course. A completion certificate is issued to verify that the student has met the educational and training requirements for a Missouri motorcycle operator's permit or license. A Department of *[Public Safety]* **Transportation/Traffic and Highway Safety Division** serialized completion certificate will be issued by the course sponsor to every student completing the approved Motorcycle Rider Course. A copy of the completion certificate can be obtained from the Department of *[Public Safety]* **Transportation/Traffic and Highway Safety Division**.

*AUTHORITY:* section 302.134, *RSMo [2000] Supp. 2014*. This rule originally filed as *II CSR 60-1.050*. Original rule filed March 20, 1996, effective Sept. 30, 1996. Amended: Filed Nov. 15, 2001, effective June 30, 2002. Moved to *7 CSR 60-1.050*, effective Aug. 28, 2003. Amended: Filed Oct. 17, 2016.

*PUBLIC COST:* This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

*PRIVATE COST:* This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

*NOTICE TO SUBMIT COMMENTS:* Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Department of Transportation, Pam Harlan, Secretary to the Commission, PO Box 270, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 7—DEPARTMENT OF TRANSPORTATION  
Division 60—Traffic and Highway Safety Division  
Chapter 1—Motorcycle Safety Education Program**

**PROPOSED AMENDMENT**

**7 CSR 60-1.060 Approved Motorcycle Training Courses.** The Missouri Highways and Transportation Commission is amending section (1).

*PURPOSE:* This proposed amendment outlines the standards for an approved motorcycle rider training program.

*PUBLISHER'S NOTE:* The secretary of state has determined that the publication of the entire text of the material which is incorporated by reference as a portion of this rule would be unduly cumbersome or expensive. This material as incorporated by reference in this rule shall be maintained by the agency at its headquarters and shall be made available to the public for inspection and copying at no more than the actual cost of reproduction. This note applies only to the reference material. The entire text of the rule is printed here.

(1) The division adopts the educational, safety, and instructor standards, by reference, of the most current versions of the following Motorcycle Safety Foundation (MSF) courses *[:/]* or equivalent per **Uniform Procedures for State Highway Safety Grant Program 23 CFR Part 1300.25 (e) Motorcycle Rider Training Course**. On and after December 4, 2015, the Fixing America's Surface Transportation (FAST) Act requires National Highway Traffic Safety Administration (NHTSA) to award grants pursuant to rulemaking that meets or exceeds standards established by the United States Department of Transportation, National Highway Traffic Safety Administration, identified as "Uniform Procedures for State Highway Safety Grant Programs: Final Rule" Vol. 81 FR 32554-32605 as published in the *Federal Register* on May 23, 2016 by the National Highway Traffic Safety Administration, 1200 New Jersey SE, Washington, DC 20590 and that shall become effective beginning on May 23, 2016, which is hereby incorporated by reference and made a part of this rule. This section does not incorporate any subsequent amendments or additions to this publication:

(A) The current approved Motorcycle Safety Foundation Motorcycle Rider Course, or equivalent per **Uniform Procedures for State Highway Safety Grant Program 23 CFR Part 1300.25(e) Motorcycle Rider Training Course**, as amended*[:/]*. On and after December 4, 2015, the FAST Act requires NHTSA to award grants pursuant to rulemaking that meets or exceeds standards established by the United States Department of Transportation, National Highway Traffic Safety Administration, identified as "Uniform Procedures for State Highway Safety Grant Programs: Final Rule" Vol. 81 FR 32554-32605 as published in the *Federal Register* on May 23, 2016 by the National Highway Traffic Safety Administration, 1200 New Jersey SE, Washington, DC 20590 and that shall become effective beginning on May 23, 2016, which is hereby incorporated by reference and made a part of this rule. This subsection does not incorporate any subsequent amendments or additions to this publication;

(B) The current approved experienced rider course. The choice of curricula is determined by the size of the riding area. The skill and knowledge tests for the experienced curricula are not required but may be used at the sponsor's discretion; and

(C) The approved instructor preparation course is MSF instructor preparation course curriculum $[:/]$  or equivalent per **Uniform Procedures for State Highway Safety Grant Program 23 CFR Part 1300.25 (e) Motorcycle Rider Training Course**. On and after December 4, 2015, the FAST Act requires NHTSA to award grants pursuant to rulemaking that meets or exceeds standards established by the United States Department of Transportation, National Highway Traffic Safety Administration, identified as "Uniform Procedures for State Highway Safety Grant Programs: Final Rule" Vol. 81 FR 32554-32605 as published in the *Federal Register* on May 23, 2016 by the National Highway Traffic Safety Administration, 1200 New Jersey SE, Washington, DC 20590 and that shall become effective beginning on May 23, 2016, which is hereby incorporated by reference and made a part of this rule. This subsection does not incorporate any subsequent amendments or additions to this publication.

*AUTHORITY: section 302.134, RSMo [2000] Supp. 2014. This rule originally filed as II CSR 60-1.060. Original rule filed March 20, 1996, effective Sept. 30, 1996. Amended: Filed Nov. 15, 2001, effective June 30, 2002. Moved to 7 CSR 60-1.060, effective Aug. 28, 2003. Amended: Filed Oct. 17, 2016.*

*PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

*PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Department of Transportation, Pam Harlan, Secretary to the Commission, PO Box 270, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

**Title 7—DEPARTMENT OF TRANSPORTATION  
Division 60—Traffic and Highway Safety Division  
Chapter 2—Breath Alcohol Ignition Interlock Device  
Certification and Operational Requirements**

**PROPOSED AMENDMENT**

**7 CSR 60-2.010 Definitions.** The Missouri Highways and Transportation Commission is amending section (1).

*PURPOSE: This proposed amendment updates the references to statutes due to passage of recent legislation, defines mobile service and real-time reporting, and adds language to further define circumvention, photo ID technology and suspension.*

(1) Definitions.

(A) The following words and terms as used in these requirements shall have the following meaning:

1. Alcohol retest setpoint—The breath alcohol concentration at which the ignition interlock device is set for the rolling retests;
2. Alcohol setpoint—The breath alcohol concentration at which the ignition interlock device is set to lock the ignition. The alcohol setpoint is the nominal lock point at which the ignition interlock device is set at the time of calibration;
3. Alveolar air—Deep lung air or alveolar breath, which is the last portion of a prolonged, uninterrupted exhalation;
4. Authorized service provider—A person, company, or authorized franchise who is certified by the state of Missouri to provide breath alcohol ignition interlock devices under sections 577.600[–577.614], 577.605, 577.612, and 302.440–302.462, RSMo;
5. Bogus breath sample—Any gas sample other than an unaltered, undiluted, and unfiltered alveolar air sample from a driver;
6. Breath alcohol concentration (BrAC)—The number of grams of alcohol (% weight/volume) per two hundred ten (210) liters of breath;
7. Breath alcohol ignition interlock device (BAIID)—A mechanical unit that is installed in a vehicle which requires the taking of a BrAC test prior to the starting of the vehicle and at periodic intervals after the engine has been started. If the unit detects a BrAC test result below the alcohol setpoint, the unit will allow the vehicle's ignition switch to start the engine and will provide a warning message. If the unit detects a BrAC test result at or above the alcohol setpoint, the vehicle will be prohibited from starting;
8. Breath sample—Expired human breath containing primarily alveolar air;
9. Calibration—The process which ensures an accurate alcohol concentration reading on a device;

10. Circumvention—An unauthorized, intentional, or overt act or attempt to start, drive, or operate a vehicle equipped with a breath alcohol ignition interlock device without the driver of the vehicle providing a pure breath sample **and picture, if a camera unit is required**;

11. Committee—The persons delegated to conduct informal reviews of suspension or revocation of a device by the Missouri Highways and Transportation Commission;

12. Designated monitoring period—The period of time indicated by the Department of Revenue for required monitoring of the driver's ignition interlock use by the authorized service provider;

13. Device—Breath alcohol ignition interlock device (BAIID);

14. Download—The transfer of information from the interlock device's memory onto disk or other electronic or digital transfer protocol;

15. Emergency service—Unforeseen circumstances in the use and/or operation of a breath alcohol ignition interlock device, not covered by training or otherwise documented, which requires immediate action;

16. Filtered breath sample—A breath sample which has been filtered through a substance in an attempt to remove alcohol from the sample;

17. Global positioning system (GPS)—A feature of the device that will log the location (longitude and latitude), date, and time of each breath sample including any refusal, any circumvention attempt, and any attempt to tamper with the ignition interlock device;

18. Independent laboratory—A laboratory which is properly equipped and staffed to conduct laboratory tests on ignition interlock devices;

19. Initial breath test—A breath test required to start a vehicle to ensure that the driver's BrAC is below the alcohol setpoint;

20. Installation—Mechanical placement and electrical connection of a breath alcohol ignition interlock device in a vehicle by installers;

21. Installer—A dealer, distributor, supplier, individual, or service center who provides device calibration, installation, and other related activities as required by the authorized service provider;

22. Lockout—The ability of the device to prevent a vehicle's engine from starting unless it is serviced or recalibrated;

**23. Mobile Service—A portable operation of a service center provider, whether contained within a vehicle or temporarily erected on location, which includes all personnel and equipment necessary for a service technician to conduct ignition interlock device related business and services, separately and simultaneously, with its parent fixed-site service center. A mobile service center shall be part of a service center which has a fixed location for a coverage radius of one hundred (100) air-miles within Missouri. Mobile service shall comply with all the certification requirements provided herein;**

[23.]24. NHTSA—Federal agency known as the National Highway Traffic Safety Administration;

[24.]25. Operator—Any person who operates a vehicle that has a court-ordered or Department of Revenue-required breath alcohol ignition interlock device installed;

[25.]26. Permanent lockout—A feature of a device in which a vehicle will not start until the device is reset by a device installer;

[26.]27. Photo ID technology—A feature of the device that incorporates technology that will photograph the person who is providing the breath test, **or tampering or circumventing the device**;

[27.]28. Refusal—The failure of a driver to provide a breath sample and complete the breath test when prompted by the ignition interlock device;

[28.]29. Pure breath sample—Expired human breath containing primarily alveolar air and having a breath alcohol concentration below the alcohol setpoint of twenty-five thousandths (.025);

**30. Real-Time Reporting—The near real-time transmission of ignition interlock data between the authorized service provider's server and the device's relay unit while the device is in use and shall be available for viewing by state officials in Missouri**

**without delay as cellular reception permits;**

[29.]31. Reinstallation—Replacing a breath alcohol ignition interlock device in a vehicle by an installer after it has been removed for service;

[30.]32. Retest—Two (2) additional chances to provide a breath sample below the alcohol setpoint when the first sample failed; or three (3) chances to provide a breath alcohol sample below the alcohol setpoint on the rolling retest;

[31.]33. Revocation—A revocation is a removal of a device from the approved list and requires reapplication under 7 CSR 60-2.020. After revocation, an authorized service provider must wait at least one (1) year or longer, if determined by Traffic and Highway Safety Division or the committee, before reapplication;

[32.]34. Rolling retest—A subsequent breath test that must be conducted within five (5) minutes after starting the vehicle and randomly during each subsequent thirty- (30-) minute time period thereafter while the vehicle is in operation;

[33.]35. Service lockout—A feature of the breath alcohol ignition interlock device which will not allow a breath test and will not allow the vehicle to start until the device is serviced and recalibrated as required;

[34.]36. Suspension—The period after a finding by the Missouri Department of Transportation, Traffic and Highway Safety Division, or the committee designated by the Missouri Highways and Transportation Commission to conduct informal review of a device, that a device is to be or has been removed from the list of approved devices. A suspension [is temporary] shall not exceed one- (1-) year and may not require the manufacturer to go through the device approval procedure although the Traffic and Highway Safety Division or the committee may impose additional requirements on the device before the suspension is removed;

[35.]37. Tampering—An overt, purposeful attempt to physically alter or disable an ignition interlock device, or disconnect it from its power source, or remove, alter, or deface physical anti-tampering measures, so a driver can start the vehicle without taking and passing an initial breath test;

[36.]38. Temporary lockout—A feature of the device which will not allow the vehicle to start for fifteen (15) minutes after three (3) failed attempts to blow a pure breath sample; and

[37.]39. Violations reset—A feature of a device in which a service reminder is activated due to one (1) of the following reasons:

A. Two (2) fifteen- (15-) minute temporary lockouts within a thirty- (30-) day period;

B. Any three (3) refusals to provide a retest sample within a thirty- (30-) day period;

C. Any three (3) breath samples, after startup, at or above the alcohol setpoint within a thirty- (30-) day period; or

D. Any attempts to circumvent or tamper with a device.

*AUTHORITY: sections 302.060, 302.304, 302.309, [and] 302.525, and 577.041, RSMo Supp. 2013, sections 302.440–302.462, RSMo Supp. 2014 and 2016, sections 577.600–577.614, RSMo 2000, [and] RSMo Supp. 2013 and 2014, and section 226.130, RSMo 2000. This rule originally filed as II CSR 60-2.010. Emergency rule filed Feb. 5, 1996, effective Feb. 15, 1996, expired Aug. 12, 1996. Original rule filed Feb. 16, 1996, effective Aug. 30, 1996. For intervening history, please consult the Code of State Regulations. Amended: Filed Oct. 17, 2016.*

*PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

*PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the*

*Missouri Department of Transportation, Pam Harlan, Secretary to the Commission, PO Box 270, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

**Title 7—DEPARTMENT OF TRANSPORTATION  
Division 60—Traffic and Highway Safety Division  
Chapter 2—Breath Alcohol Ignition Interlock Device  
Certification and Operational Requirements**

**PROPOSED AMENDMENT**

**7 CSR 60-2.020 Approval Procedure.** The Missouri Highways and Transportation Commission is amending section (1).

*PURPOSE: This proposed amendment updates the references to statutes due to recent legislation, adds language for real-time data transmission requirements, and further clarifies when an applicant will receive notification from the Department of Transportation.*

(1) Approval Procedure.

(A) Approval Requirement.

1. No ignition interlock device may be leased, sold, serviced, repaired, installed, or used in the state of Missouri under sections 577.600[–577.614], **577.605**, **577.612**, and **302.440–302.462**, RSMo, unless it has been approved by the Missouri Department of Transportation in accordance with the requirements stated herein.

(B) Application.

1. Application to become an authorized service provider must be made by submitting a letter requesting approval of a breath alcohol ignition interlock device to the state of Missouri, Department of Transportation, Traffic and Highway Safety Division, PO Box 270, Jefferson City, MO 65102, in the manner described herein. All applicants must certify that their device—

A. Does not impede the safe operation of a vehicle;

B. Minimizes opportunities to circumvent the device; and

C. Prevents an operator from starting a vehicle when the operator has a breath alcohol concentration which exceeds the alcohol setpoint.

2. An application for certification must include all of the following:

A. A written request for certification of a device on the company's letterhead, signed by an authorized representative of the company;

B. The name and business address of the applicant;

C. The name and model number of the device;

D. Complete technical specifications describing the device's accuracy, reliability, security, data collection and recording, tamper detection, and environmental features;

E. A quality control plan that outlines the requirements for installation sites, service centers, and technicians who install and/or service ignition interlock devices. The plan must be submitted annually, or when changes occur, and must include, but not be limited to, the following:

(I) Certification that ignition interlock technicians do not have two (2) or more alcohol-related enforcement contacts as defined in section 302.525, RSMo, or a manslaughter, involuntary manslaughter, or any other type of crime or conduct involving moral turpitude that would compromise the program;

(II) Installation sites and service centers are operating as a business meeting all federal, state, and local government regulations;

(III) The process the authorized service provider will use for ongoing supervision of the sites and technicians in the state; and

(IV) Outline suspension and revocation procedures for installation sites, service centers, and technicians for non-compliance of requirements set forth in 7 CSR 60-2.010 through 7 CSR 60-2.060

or any policies outlined by the authorized service provider;

F. [Before May 8, 2014, a complete and certified copy of data from an independent laboratory demonstrating that the device meets or exceeds the standards established by the United States Department of Transportation, National Highway Traffic Safety Administration identified as "Model Specifications for Breath Alcohol Ignition Interlock Devices" 57 FR 11772-11787 (April 7, 1992), which is incorporated by reference and made a part of this rule as published in the Federal Register by the National Highway Traffic Safety Administration, 1200 New Jersey SE, Washington, DC 20590 and effective April 7, 1992. This rule does not incorporate any subsequent amendments or additions to this publication. On and after May 8, 2014, a]A complete and certified copy of data from an independent laboratory demonstrating that the device meets or exceeds the standards established by the United States Department of Transportation, National Highway Traffic Safety Administration, identified as "Model Specifications for Breath Alcohol Ignition Interlock Devices" 78 FR 26849-26867 as published in the *Federal Register* on May 8, 2013 by the National Highway Traffic Safety Administration, 1200 New Jersey SE, Washington, DC 20590 and [that shall become] effective [beginning on] March 8, 2014, which is hereby incorporated by reference and made a part of this rule. This paragraph does not incorporate any subsequent amendments or additions to this publication;

G. A complete listing of all installers that includes the name, location, phone number, contact name, and hours of operation;

H. The applicant's toll-free customer service/question/complaint hot-line number; and

I. A separate application is required for devices that differ in any operational aspect.

3. The applicant seeking certification shall—

**A. Agree to provide near real-time transmission of data of installed devices as set forth in 7 CSR 60-2.010 through 7 CSR 60-2.060 regardless of the circumstances which could cause such interruption. Should the authorized service provider become unable to comply with any of these requirements, the authorized service provider shall notify the Missouri Department of Transportation, Traffic and Highway Safety Division, in writing;**

[A./B. Agree to ensure any service performed outside the state of Missouri on a device installed pursuant to Missouri law shall be in compliance with all requirements included herein;

[B./C. Agree to ensure proper record keeping and provide testimony relating to any aspect of the installation, service, repair, removal, interpretation of any report, or information recorded in the data storage system of a device;

[C./D. Advise the Missouri Department of Transportation, Traffic and Highway Safety Division, whether the device for which certification is being sought in Missouri is the subject of any action to disallow, or has ever been, in any way, disallowed for use in another state whether such action occurred before or after approval in Missouri and if or when such action is or has been appealed in the other state and the outcome of the appeal;

[D./E. Upon request of the Missouri Department of Transportation, Traffic and Highway Safety Division, and/or an agent of the state, for each device submitted for certification or certified under this section, agree to install the device with all proposed anti-circumvention features activated in a vehicle provided by the state, and/or an agent of the state; and

[E./F. The state, and/or an agent of the state, may conduct compliance testing on the device submitted for certification and periodically throughout the certification period.

4. All compliance costs associated with the requirements set forth in 7 CSR 60-2.010 through 7 CSR 60-2.060 shall be borne by the applicant or authorized service provider.

(C) Approval.

1. The state of Missouri will issue a letter of certification or a letter of refusal to certify within sixty (60) days after [receipt of a

completed application] completion of compliance testing and reporting requirements. No device should be deemed approved, regardless of the time frame, unless the applicant has received written notification from the state of Missouri, Department of Transportation, Traffic and Highway Safety Division.

2. The state of Missouri will notify applicants for certification if their application is incomplete and, if the application is incomplete, will specify what information or documents are needed to complete the application.

3. The state of Missouri, Department of Transportation, Traffic and Highway Safety Division, will publish and maintain a list of approved devices. The list will be updated as changes occur.

*AUTHORITY: sections 302.060, 302.304, 302.309, [and] 302.525, and 577.041, RSMo Supp. 2013, sections 302.440-302.462, RSMo Supp. 2014 and 2016, sections 577.600-577.614, RSMo 2000, [and] RSMo Supp. 2013 and 2014, and section 226.130, RSMo 2000. This rule originally filed as II CSR 60-2.020. Emergency rule filed Feb. 5, 1996, effective Feb. 15, 1996, expired Aug. 12, 1996. Original rule filed Feb. 16, 1996, effective Aug. 30, 1996. For intervening history, please consult the Code of State Regulations. Amended: Filed Oct. 17, 2016.*

*PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

*PRIVATE COST: This proposed amendment may cost private entities more than five hundred dollars (\$500) in the aggregate.*

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Department of Transportation, Pamela J. Harlan, Secretary to the Commission, PO Box 270, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

## Title 7—DEPARTMENT OF TRANSPORTATION Division 60—Traffic and Highway Safety Division Chapter 2—Breath Alcohol Ignition Interlock Device Certification and Operational Requirements

### PROPOSED AMENDMENT

**7 CSR 60-2.030 Standards and Specifications.** The Missouri Highways and Transportation Commission is amending section (1).

*PURPOSE: This proposed amendment sets forth the requirements for real-time data transmission, data storage systems, and photo identification. In addition, the proposed amendment includes language to clarify use of remote codes or reset features and prohibits shipping of ignition interlocks devices in certain situations.*

(1) Standards and Specifications.

(A) [Before May 8, 2014, all devices installed into a vehicle must be based on electro-chemical fuel cell sensor technology and shall meet or exceed the standards established by the United States Department of Transportation, National Highway Traffic Safety Administration, identified as "Model Specifications for Breath Alcohol Ignition Interlock Devices" 57 FR 11772-11787 (April 7, 1992), which is incorporated by reference and made a part of this rule as published in the Federal Register by the National Highway Traffic Safety Administration, 1200 New Jersey SE, Washington, DC 20590 and effective April 7, 1992. This rule does not incorporate any subsequent amendments or additions to this publication. On and after May 8, 2014, a]All breath alcohol ignition interlock

devices installed into a vehicle must be based on electro-chemical fuel cell sensor technology and shall meet or exceed the standards established by the United States Department of Transportation, National Highway Traffic Safety Administration, identified as "Model Specifications for Breath Alcohol Ignition Interlock Devices" 78 FR 26849-26867 as published in the *Federal Register* by the National Highway Traffic Safety Administration, 1200 New Jersey SE, Washington, DC 20590 and [that shall become] effective [beginning on] May 8, 2014, which is hereby incorporated by reference and made a part of this rule. This [paragraph] subsection does not incorporate any subsequent amendments or additions to this publication.

1. Starting March 1, 2018, all devices approved by the Missouri Department of Transportation, Traffic and Highway Safety Division, shall provide the following real-time reporting capabilities:

A. Near real-time data transmission between the ignition interlock relay unit and the authorized service provider's server while the device is in use. All data, including photos and Global Positioning System (GPS) coordinates if required, shall be available for viewing on the authorized service provider's website within ten (10) minutes from when the data was recorded on the device or as soon as cellular transmission will permit. This includes any last event data recorded after power off (e.g., skipped rolling retest data);

B. The capability to periodically awaken the device for data retrieval when not in use;

C. The date of the last upload noted on the driver's web account;

D. Utilize a reliable cell phone company as well as a cellular contract that includes roaming services. In cases where there is no cellular reception, the device shall store the data and send it as soon as cellular reception is available; and

E. The ability to contact the driver (program participant) when the device has not transmitted data after five (5) days to determine why data is not being transmitted. If the data cannot be transmitted after ten (10) days, the authorized service provider shall contact the Department of Transportation, Traffic and Highway Safety Division to indicate why the data is not being transmitted.

2. All devices approved by the Missouri Department of Transportation, Traffic and Highway Safety Division, must have a data storage system with sufficient internal memory to allow continuous recording and maintaining of all data for a minimum of thirty-seven (37) days; store data with a backup system or in such a manner as not to be lost or affected by unintended data corruption, low vehicle battery voltage, loss of power supply, or disengagement or disconnection of the device.

3. Photo identification technology when required by the court supervising authority, Department of Revenue, or Missouri statute must—

A. Include a reference photo of the participant at installation that is included as part of their electronic record;

B. Provide a wide angle view of the front cabin, including the passenger side, to help ensure a person is in the photo and shall be able to recognize that it is taking a photo of the person driving. The photo shall capture the entire face of the driver that can clearly identify the person providing the breath sample;

C. Produce a photo that is identifiable verification of the driver in all lighting conditions including extreme brightness, darkness and low light conditions; and

D. Include a photo for each requested breath test during the initial attempt to start the vehicle, all initial start retests, all rolling retests, and whenever a violation occurs.

[1.]4. All devices approved by the Missouri Department of Transportation, Traffic and Highway Safety Division, must contain an anti-circumvention feature to help deter bogus breath samples and that feature should not be disengaged by any other person, including, but not limited to, the installer.

[2.]5. All devices approved by the Missouri Department of Transportation, Traffic and Highway Safety Division, shall be programmed to allow the vehicle to be restarted without requiring an additional breath test for three (3) minutes after the ignition has been turned off or the vehicle has stalled, except when the driver has failed to take a random test or has provided a breath sample over the alcohol setpoint.

[3.]6. An ignition interlock installer shall—

A. Be prohibited from installing or servicing an ignition interlock device on a vehicle that is inoperable. Any vehicle towed in for installation or servicing must be driven away from the installation facility of its own power;

B. Ensure that a driver or other unauthorized person does not witness the installation or removal of an ignition interlock device; and

C. Inspect all vehicles prior to installation to determine that mechanical and electrical parts of the vehicle affected by an ignition interlock device are deemed in acceptable condition by the technician and not install a device unless and until the vehicle is in acceptable condition.

[4.]7. The following anti-tampering measures shall be utilized when installing an ignition interlock device:

A. Place all connections between a device and the vehicle under the dash or in an inconspicuous area of the vehicle;

B. Cover all of the following connections with unique and easily identifiable seal, epoxy, resin, wire, sheathing, or tape:

(I) Any wiring between an ignition interlock device and the vehicle;

(II) All wires used to install the device that are not inside a secured enclosure; and

(III) All exposed electrical connections.

(C) A rolling retest feature is required for all devices.

1. A device shall be programmed to require a rolling retest within five (5) minutes after the start of the vehicle and randomly during each subsequent thirty- (30-) minute time period thereafter as long as the vehicle is in operation.

2. Any breath sample at or above the alcohol retest setpoint of twenty-five thousandths (.025) or any failure to provide a rolling retest sample within five (5) minutes shall activate the vehicle's horn or other installed alarm and/or cause the vehicle's emergency lights to flash until the engine is shut off by the operator. Any three (3) breath samples, after startup, at or above the alcohol setpoint within a thirty- (30-) day period or three (3) refusals by the driver to provide a retest sample within a thirty- (30-) day period shall result in a violations reset message.

3. The violations reset message shall instruct the operator to return the device to the installer for servicing within seven (7) days.

A. As the result of a reset message, the installer must download and calibrate the device.

B. The installer must report all violations to the court-ordered supervising authority within three (3) working days.

4. If the vehicle is not returned to the installer within seven (7) days, the device shall cause the vehicle to enter a permanent lockout condition.

(F) A device must provide all of the following information to an operator:

1. The device's readiness for acceptance of a breath sample;

2. A numeric display of the breath alcohol concentration in grams per two hundred ten (210) liters of air, or a visual pass/fail indicator, or a combination audio response and visual pass/fail indicator, or a combination audio response and a numeric display;

3. A reminder seven (7) [working] days prior to a scheduled service date; and

4. A warning to obtain service within seven (7) days if any of the following conditions occur:

A. Any act or attempt to tamper or circumvent the device; and

B. A scheduled service date is missed.

(G) The sale or use of any type of remote code or reset feature

allowing a driver to bypass an installed ignition interlock without providing all required pure breath samples [at startup or during operation of the vehicle] is prohibited. **The remote code or reset feature shall change for each use and shall only be good for a six-(6-) hour period. Each use of a remote code or reset feature shall be specified on the driver's data log.**

**(H) Shipping of ignition interlock devices or equipment to anyone other than the ignition interlock manufacturer, installation site, service center, or state authority is prohibited.**

*AUTHORITY: sections 302.060, 302.304, 302.309, [and] 302.525, and 577.041, RSMo Supp. 2013, sections 302.440-302.462, RSMo Supp. 2014 and 2016, sections 577.600-577.614, RSMo 2000, [and] RSMo Supp. 2013 and 2014, and section 226.130, RSMo 2000. This rule originally filed as II CSR 60-2.030. Emergency rule filed Feb. 5, 1996, effective Feb. 15, 1996, expired Aug. 12, 1996. Original rule filed Feb. 16, 1996, effective Aug. 30, 1996. For intervening history, please consult the Code of State Regulations. Amended: Filed: Oct. 17, 2016.*

*PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

*PRIVATE COST: This proposed amendment will affect the costs to private entities, including small businesses. The fiscal impact to ignition interlock manufacturers, distributors, and installers cannot be determined because it is impossible to predict if they will be able to meet the requirements and the number of new installations that this proposed amendment will impact. It also is difficult to determine the number of devices that will need to be switched to another device. Therefore, the dollar amount of the full impact of costs cannot be determined at this time, but is assumed that it will be more than five hundred dollars (\$500) in the aggregate.*

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Department of Transportation, Pam Harlan, Secretary to the Commission, PO Box 270, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

**FISCAL NOTE  
PRIVATE COST**

- I. Department Title:** 7 – Department of Transportation  
**Division Title:** 60 – Traffic and Highway Safety Division  
**Chapter Title:** 2 – Breath Alcohol Ignition Interlock Device Certification and Operational Requirements

<b>Rule Number and Title:</b>	7 CSR 60-2.030 – Standards and Specifications
<b>Type of Rulemaking:</b>	Proposed Amendment

**II. SUMMARY OF FISCAL IMPACT**

Estimate of the number of entities by class which would likely be affected by the adoption of the rule:	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
2	Ignition Interlock Manufacturers	Unknown fiscal impact
2	Ignition Interlock Distributors	Unknown fiscal impact
75	Ignition Interlock Installers	Unknown fiscal impact

**III. WORKSHEET**

There are currently four breath alcohol ignition interlock manufacturers with six devices that are on the list of approved devices. All of the ignition interlock devices are similar in that they provide a physical barrier to prevent the operation of a motor vehicle by drivers who have a breath alcohol concentration above a specified percent. A breath sample must be provided each time the driver attempts to start their vehicle and at variable times during operation of the vehicle. Each of the manufacturers differ a little in their business models in terms of providing service to their clients (DWI offenders) and how the information is transmitted from their local installation sites and service centers. In addition, features such as photo identification vary in terms of what is captured in the photo and the quality of the photo.

The proposed amendment will require “real-time” reporting. This will require near real-time transmission of ignition interlock data between the authorized service provider’s server and the devices relay unit while the device is in use and shall be available for viewing by state officials in Missouri starting March 1, 2018. Many of the manufacturers already provide this service. However, a few of the devices currently utilized in the state only provide the ignition interlock data when the device is downloaded every 30 days.

This provides some challenges in terms of responding to client complaints and also for courts and probation and parole officers to monitor offenders. By requiring near real-time transmission of data, state and local officials can respond more quickly to any complaints and/or violations that are reported.

In addition, the proposed amendment defines requirements for photo identification technology when required by statute or court order. Photo identification technology is not only utilized to clearly identify who is providing the breath sample but also to place the person behind the wheel driving the vehicle. Photo identification allows state and local officials to take further action on a DWI offender who continues to drink and drive while on the ignition interlock device. The technology allows for proof of who provided the breath test and that they were driving the vehicle.

The amendment will also require that the ignition interlock device have a data storage system with sufficient internal memory to allow continuous recording and maintaining of all data for a minimum of thirty-seven days. This will prevent the clients from being called in early because the memory on their device is full and needs to be downloaded more frequently. The clients are charged a fee each time they come in for a download and some were being required to come in more frequently than required by rule.

The fiscal impact to ignition interlock manufacturers, distributors, and installers is unknown. It is impossible to predict if they will be able to meet the requirements and the number of new installations that this proposed amendment will impact. It is also difficult to determine the number of devices that will need to be switched to another device after the rule goes into effect. Many of the manufacturers, distributors and installation sites may be able to provide the services required under the rule.

**Total Estimated Costs for FY'17 and Subsequent Years**      Unknown Fiscal Impact

#### IV. ASSUMPTIONS

1. Research used to support information about the ignition interlock detection methods and program requirements: *Best Practices for Alcohol Interlock Programs*, Traffic Injury Research Foundation, April 2001; and *Evaluation of State Ignition Interlock Programs: Interlock Use Analyses From 28 States, 2006-2011*, National Highway Traffic Safety Administration, May 2015.
2. Any other costs not identified in this fiscal note are unforeseeable.



**Title 7—DEPARTMENT OF TRANSPORTATION  
Division 60—Traffic and Highway Safety Division  
Chapter 2—Breath Alcohol Ignition Interlock Device  
Certification and Operational Requirements**

**PROPOSED AMENDMENT**

**7 CSR 60-2.040 Responsibilities of Authorized Service Providers.**  
The Missouri Highways and Transportation Commission is amending section (1).

*PURPOSE: This proposed amendment updates the references to statutes due to recent legislation, and further clarifies record keeping protocols and mobile service center requirements.*

(1) Responsibilities of Authorized Service Providers.

(A) The responsibilities of a breath alcohol ignition interlock device authorized service provider to the state of Missouri shall include:

1. The authorized service provider shall carry product liability insurance with minimum liability limits of one (1) million dollars per occurrence and three (3) million dollars aggregate total. The liability insurance shall include coverage for defects in product design and materials as well as manufacturing, calibration, installation, and removal of devices. The authorized service provider shall ensure that its installers are named additional insureds or that its installers carry like insurance in the amounts stated herein. The proof of insurance shall include a statement from the insurance company that thirty (30) days' notice will be given to the director, Traffic and Highway Safety Division, before cancellation of the insurance. Proof of insurance must be submitted to the Missouri Department of Transportation, Traffic and Highway Safety Division within thirty (30) days after a Letter of Certification has been issued. Failure to provide certificate of insurance may result in suspension or revocation of approval for the device;

2. The authorized service provider shall indemnify and hold harmless the state of Missouri and its officers, employees, and agents from all claims, demands, actions, and costs whatsoever which may arise, directly or indirectly, out of any act or omission by the authorized service provider or its installers relating to the installation, service, repair, use, or removal of a device;

3. The authorized service provider shall provide expert or other required testimony in any civil or criminal proceedings or administrative hearings as to the method of manufacture of the device, how said device functions, the testing protocol by which the device was evaluated for approval, and interpretation of any report or information recorded in the data storage system of the device. Failure to provide testimony may result in suspension or revocation of approval for the device;

4. *[Before May 8, 2014, the authorized service provider shall notify the Missouri Department of Transportation, Traffic and Highway Safety Division in writing of any material modification or alteration in the components, design, or installation and operating instructions of any device approved for use in the state of Missouri and shall provide the Traffic and Highway Safety Division satisfactory proof that any modifications or alterations do not adversely affect the ability of the device to satisfy the standards established by the United States Department of Transportation, National Highway Traffic Safety Administration, identified as "Model Specifications for Breath Alcohol Ignition Interlock Devices" 57 FR 11772-11787 (April 7, 1992), which is incorporated by reference and made a part of this rule as published in the Federal Register by the National Highway Traffic Safety Administration, 1200 New Jersey SE, Washington, DC 20590 and effective April 7, 1992. This rule does not incorporate any subsequent amendments or additions to this publication. Also, on and after May 8, 2014, t]The authorized service*

provider shall notify the Missouri Department of Transportation, Traffic and Highway Safety Division in writing of any material modification or alteration in the components, design, or installation and operating instructions of any device approved for use in the state of Missouri and shall provide the Traffic and Highway Safety Division satisfactory proof that any modifications or alterations do not adversely affect the ability of the device to satisfy the standards established by the United States Department of Transportation, National Highway Traffic Safety Administration, identified as "Model Specifications for Breath Alcohol Ignition Interlock Devices" 78 FR 26849-26867 as published in the *Federal Register* on May 8, 2013 by the National Highway Traffic Safety Administration, 1200 New Jersey SE, Washington, DC 20590 and *[that shall become]* effective *[beginning on]* May 8, 2014, which is hereby incorporated by reference and made a part of this rule. This paragraph does not incorporate any subsequent amendments or additions to this publication;

5. The authorized service provider must provide informational materials to the Division of Probation and Parole, the circuit courts (including circuit, associate, and municipal divisions), and the Department of Revenue for distribution to operators at no cost;

6. In cases of operator noncompliance, the authorized service provider or his/her installer must notify the appropriate court-ordered supervising authority before the end of the next working day. Noncompliance shall include tampering, circumvention, violations resets, high breath alcohol concentration (BrAC), missing a scheduled service date, or other noncompliance as determined by the referring court;

7. The authorized service provider shall notify the appropriate court-ordered supervising authority by the end of the next working day of removal of a device;

8. The authorized service provider, installation site, and service center shall conduct physical tamper inspections any time the device is serviced or given routine inspection, maintenance, or repair. Tamper inspections shall include the following:

A. Inspection of all external wiring, insulation, connections, tamper seals, and sheathing for the device and where the device connects to the vehicle; and

B. Checking the device for proper operation to ensure tamper detection capabilities;

9. The authorized service provider must immediately notify the chief law enforcement official of the county, or a city not within a county, where the installer is located, and the court-ordered supervising authority of any evidence of tampering with or circumvention of the device. The evidence must be preserved by the authorized service provider or his/her installer until otherwise notified by local law enforcement officials;

10. The authorized service provider must provide summary reports every thirty (30) days to the court-ordered supervising authority. The summary reports must contain a summary of violations, the number of starts, and all noncompliance on devices placed in service in the state of Missouri under sections 577.600[-577.614], **577.605, 577.612, and 302.440-302.462**, RSMo;

11. The authorized service provider must provide to the court-ordered supervising authority additional reports, to include, but not be limited to, records of installation, calibrations, maintenance checks, and usage records on devices placed in service in the state of Missouri under sections 577.600[-577.614], **577.605, 577.612, and 302.440-302.462**, RSMo. These records shall be agreed upon and transmitted using electronic transfer protocols or in hard copy;

12. The authorized service provider must provide a quarterly status report to the Missouri Department of Transportation, Traffic and Highway Safety Division. The first quarter of each year shall be January 1 through March 31. The quarterly reports should reach the Traffic and Highway Safety Division on or before the fifteenth of the month immediately following the end of the quarter. The reports shall be filed electronically and contain the following information: the name of the ignition interlock device, total number of devices in

operation in Missouri each quarter at the time of reporting, total number of devices installed during the quarter, total number of voluntary installations during the quarter, total number of devices removed during the quarter, total number of breath tests, total number of breath alcohol tests resulting in a BrAC at or above the alcohol setpoint, total number of attempts to circumvent the device as defined in 7 CSR 60-2.010, total number of vehicle starts, total number of miles driven, and the total number of devices that malfunctioned or were defective;

13. The authorized service provider shall grant the state of Missouri, or an agent of the state, the right to inspect or request copies of any and all operator files and records on a random basis at no cost;

14. The authorized service provider shall supply for each ignition interlock device installed as a result of a Missouri ignition interlock requirement a warning label, *which shall not be less than one-half inch (1/2") in height by three inches (3") in length and shall as required in section 302.460, RSMo*, containing the following language: "WARNING! ANY PERSON TAMPERING, CIRCUMVENTING OR OTHERWISE MISUSING THIS DEVICE IS GUILTY OF A CLASS A MISDEMEANOR.";

15. The authorized service provider must notify the Traffic and Highway Safety Division electronically of changes in the status of any installer and additions or deletions or other changes to its complete listing of all installers that includes the name, location, phone number, and contact name. Such notification shall occur at least once per month and shall occur more frequently if additional changes are made;

16. Data downloaded from an ignition interlock device shall be—

A. Reviewed by the authorized service provider for any evidence of violations reset, tampering, and/or circumvention as defined in 7 CSR 60-2.010 for the designated monitoring period; and

B. All information obtained as a result of each calibration or inspection must be retained by the authorized service provider for three (3) years from the date the ignition interlock device is removed from the vehicle;

17. The authorized service provider shall electronically notify the Department of Revenue in a format as determined by the director of revenue within one (1) working day of the following:

A. The date the ignition interlock device was installed;

B. A service lockout condition;

C. The date the ignition interlock device was removed; and

D. The completion of the designated monitoring period of ignition interlock use by the driver with no violation resets, tampering, and/or circumventions as defined in 7 CSR 60-2.010;

18. Each installation site and service center must maintain records documenting all calibrations, downloads, and any other services performed on an ignition interlock device, including service of a violation reset; and

19. Retention of the record of installation, calibrations, downloads, service, and associated invoices must be maintained for a minimum of three (3) years **from the date the device is removed from the vehicle.**

(B) The responsibilities of an authorized service provider to the operator shall include:

1. Written instructions on how to clean and care for the device;

2. Written instructions on what type of vehicle malfunctions or repairs may affect the device, and what to do when such repairs are necessary;

3. Written and hands-on training for the operator, and all persons who will use the vehicle, on how to use the device after it is installed in the operator's vehicle. Training shall include operation, maintenance, and safeguards against improper operations;

4. A twenty-four- (24-) hour toll-free telephone number that the operator may contact to receive assistance in the event of device failure or vehicle problems related to the interlock device. Calls must either be answered by an ignition interlock technician qualified to

service the manufacturer's ignition interlock device, or the call must be returned by a qualified technician within thirty (30) minutes of the original call.

A. Assistance shall include technical information, tow service, and/or road service.

B. Assistance related to the failure of a device should be provided within two (2) hours.

C. The device must be made functional within twenty-four (24) hours from when the call for assistance is made or the device must be replaced;

5. Restoration of the operator's vehicle to its original condition after removal of the breath alcohol ignition interlock device; and

6. Access to an enclosed building with a separate waiting area for operators. If installation is by a mobile unit, the operator must have a separate, enclosed waiting area available. **A mobile service center shall be part of a service center which has a fixed location within Missouri and shall comply with all the certification requirements herein, including operating within a one hundred (100) air-mile radius of the fixed location.**

*AUTHORITY: sections 302.060, 302.304, 302.309, [and] 302.525, and 577.041, RSMo Supp. 2013, sections 302.440-302.462, RSMo Supp. 2014 and 2016, sections 577.600-577.614, RSMo 2000, [and] RSMo Supp. 2013 and 2014, and section 226.130, RSMo 2000. This rule originally filed as 11 CSR 60-2.040. Emergency rule filed Feb. 5, 1996, effective Feb. 15, 1996, expired Aug. 12, 1996. Original rule filed Feb. 16, 1996, effective Aug. 30, 1996. For intervening history, please consult the Code of State Regulations. Amended: Filed Oct. 17, 2016.*

*PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

*PRIVATE COST: This proposed amendment will affect the costs to private entities, including small businesses. The fiscal impact to ignition interlock manufacturers, distributors, and installers cannot be determined because it is impossible to predict if they will be able to meet the requirements and the number of new installations that this proposed amendment will impact. It also is difficult to determine the number of devices that will need to be switched to another device. Therefore, the dollar amount of the full impact of costs cannot be determined at this time, but is assumed that it will be more than five hundred dollars (\$500) in the aggregate.*

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Department of Transportation, Pam Harlan, Secretary to the Commission, PO Box 270, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

**FISCAL NOTE  
PRIVATE COST**

- I. Department Title:** 7 – Department of Transportation  
**Division Title:** 60 – Traffic and Highway Safety Division  
**Chapter Title:** 2 – Breath Alcohol Ignition Interlock Device Certification and Operational Requirements

<b>Rule Number and Title:</b>	7 CSR 60-2.040 – Responsibilities of Authorized Service Providers
<b>Type of Rulemaking:</b>	Proposed Amendment

**II. SUMMARY OF FISCAL IMPACT**

Estimate of the number of entities by class which would likely be affected by the adoption of the rule:	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
2	Ignition Interlock Manufacturers	Unknown fiscal impact
2	Ignition Interlock Distributors	Unknown fiscal impact
75	Ignition Interlock Installers	Unknown fiscal impact

**III. WORKSHEET**

There are currently four breath alcohol ignition interlock manufacturers with six devices that are on the list of approved devices. All of the ignition interlock devices are similar in that they provide a physical barrier to prevent the operation of a motor vehicle by drivers who have a breath alcohol concentration above a specified percent. A breath sample must be provided each time the driver attempts to start their vehicle and at variable times during operation of the vehicle. Each of the manufacturers differ a little in their business models in terms of providing service to their clients (DWI offenders) and how the information is transmitted from their local installation sites and service centers. In addition, features such as photo identification vary in terms of what is captured in the photo and the quality.

Mobile service is allowed in the state but needs to be defined in terms of what is allowable to ensure integrity in the program and public safety. The proposed amendment will define mobile service and what will be allowed in the state.

The fiscal impact to ignition interlock manufacturers and installers is unknown. It is impossible to predict if they will be able to meet the requirements and the number of new

installations that this rule will impact. It is also difficult to determine the number of devices that will need to be switched to another device after the rule goes into effect. The manufacturers that provide mobile service may have sufficient fixed locations within Missouri to comply with the 100 air-mile radius for the mobile installation sites.

It is also difficult to know what changes will need to be made to change the business model and account for the new requirements for mobile services. This may only impact one ignition interlock manufacturer and it is uncertain if the radius defined in the proposed amendment will impact their ignition interlock program.

**Total Estimated Costs for FY'17 and Subsequent Years**      Unknown Fiscal Impact

#### IV. ASSUMPTIONS

1. Research used to support information about the ignition interlock detection methods and program requirements: *Best Practices for Alcohol Interlock Programs*, Traffic Injury Research Foundation, April 2001; and *Evaluation of State Ignition Interlock Programs: Interlock Use Analyses From 28 States, 2006-2011*, National Highway Traffic Safety Administration, May 2015.
2. Any other costs not identified in this fiscal note are unforeseeable.

**Title 7—DEPARTMENT OF TRANSPORTATION  
Division 60—Traffic and Highway Safety Division  
Chapter 2—Breath Alcohol Ignition Interlock Device  
Certification and Operational Requirements**

**PROPOSED AMENDMENT**

**7 CSR 60-2.050 Breath Alcohol Ignition Interlock Device Security.** The Missouri Highways and Transportation Commission is amending section (1).

*PURPOSE: This proposed amendment provides further clarification of devices that cannot be installed or serviced by an installer.*

(1) Security.

(A) The authorized service providers shall be responsible for ensuring that the installers comply with all of the following security requirements:

1. Only authorized technicians of an installer may observe the installation of a device. Reasonable security measures must be taken to prevent the operator from observing the installation of a device, or obtaining access to installation materials;

2. An installer is prohibited from assisting or facilitating any tampering or circumvention of a device;

3. An installer shall not install or service a device on a vehicle owned or operated by *[any of its employees; and]—*

**A. Any of its employees;**

**B. Any employee relatives including:**

**(I) Spouse or domestic partner of an employee;**

**(II) A parent or stepparent of an employee;**

**(III) A parent or stepparent of an employee's spouse or domestic partner;**

**(IV) A child or stepchild of an employee;**

**(V) A spouse or domestic partner of an employee's child or stepchild;**

**(VI) A grandparent of an employee;**

**(VII) A grandparent of an employee's spouse or domestic partner;**

**(VIII) A grandchild of an employee;**

**(IX) A spouse or domestic partner of an employee's grandchild;**

**(X) A brother or sister of an employee;**

**(XI) A brother or sister of an employee's spouse or domestic partner;**

**(XII) A spouse or domestic partner of an employee's brother or sister; and**

4. Physical tamper inspections shall be conducted any time the device is serviced or given routine inspection, maintenance, or repair. Tamper inspections shall include the following:

A. Inspection of all external wiring, insulation, connections, tamper seals, and sheathing for the device and where the device connects to the vehicle; and

B. Checking the device for proper operation to ensure tamper detection capabilities.

*AUTHORITY: sections 302.060, 302.304, 302.309, [and] 302.525, and 577.041, RSMo Supp. 2013, sections 302.440–302.462, RSMo Supp. 2014 and 2016, sections 577.600–577.614, RSMo 2000, [and] RSMo Supp. 2013 and 2014, and section 226.130, RSMo 2000. This rule originally filed as II CSR 60-2.050. Emergency rule filed Feb. 5, 1996, effective Feb. 15, 1996, expired Aug. 12, 1996. Original rule filed Feb. 16, 1996, effective Aug. 30, 1996. For intervening history, please consult the Code of State Regulations. Amended: Filed Oct. 17, 2016.*

*PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

*PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Department of Transportation, Pam Harlan, Secretary to the Commission, PO Box 270, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

**Title 7—DEPARTMENT OF TRANSPORTATION  
Division 60—Traffic and Highway Safety Division  
Chapter 2—Breath Alcohol Ignition Interlock Device  
Certification and Operational Requirements**

**PROPOSED AMENDMENT**

**7 CSR 60-2.060 Suspension, or Revocation of Approval of a Device.** The Missouri Highways and Transportation Commission is amending sections (1)–(3).

*PURPOSE: This proposed amendment modifies the conditions for which an ignition interlock device certification may be suspended or revoked and includes language allowing for device certification to move from suspension to revocation when corrective action has not been satisfactorily completed during the period of suspension.*

(1) Suspension of Approval of a Device.

(A) The state of Missouri, Department of Transportation, Traffic and Highway Safety Division may suspend approval of a device, and temporarily remove it from the list of approved devices, for any of the following reasons:

1. Termination or cancellation of an authorized service provider's liability insurance;

2. Voluntary request by an authorized service provider to suspend approval of a device; *[or]*

3. Any issues with a device, installation site, service center, or technician *[that are determined to be minor in nature and do not compromise the safety of the public.]; or*

**4. Violation by an authorized service provider, or installer, of any of the provisions set forth in 7 CSR 60-2.010 through 7 CSR 60-2.060.**

(B) A suspension shall last for at least ninety (90) days after the final decision of the Missouri Department of Transportation, Traffic and Highway Safety Division, or the committee, whichever comes last. A device that has been suspended may have to follow the procedures of 7 C/F/SR 60-2.020 to become re-approved. The Missouri Department of Transportation, Traffic and Highway Safety Division, or the committee may impose additional requirements to ensure the safety of the public for a suspended device to be re-approved. Actions that have the effect of jeopardizing public safety by the authorized service provider and/or their installers may result in a longer suspension, not to exceed one (1) year.

(2) Revocation of Approval of a Device.

(A) The state of Missouri, Department of Transportation, Traffic and Highway Safety Division may revoke approval of a device, and remove it from the list of approved devices, for any of the following reasons:

1. Defects in design, materials, or workmanship causing repeated failures of a device;

2. Discontinuance in the business of manufacturing devices;

3. Voluntary request by an authorized service provider to revoke approval of a device;

4. Violation by an authorized service provider, or installer, of any of the provisions set forth in 7 CSR 60-2.010 through 7 CSR 60-2.060; or

[5. Before May 8, 2014, modification or alteration of the components, design, installation, and operation instructions in such a way that the requirements of the United States Department of Transportation, National Highway Traffic Safety Administration, identified as "Model Specifications for Breath Alcohol Ignition Interlock Devices" 57 FR 11772-11787 (April 7, 1992), as published in the Federal Register by the National Highway Traffic Safety Administration, 1200 New Jersey SE, Washington, DC 20590 and effective April 7, 1992, and which is hereby incorporated by reference and made a part of this rule, are no longer satisfied. This paragraph 5. does not incorporate any subsequent amendments or additions to this publication.]

[6.]5. [On and after May 8, 2014, m]Modification or alteration of the components, design, installation, and operation instructions in such a way that the requirements of the United States Department of Transportation, National Highway Traffic Safety Administration, identified as "Model Specifications for Breath Alcohol Ignition Interlock Devices" 78 FR 26849-26867 as published in the Federal Register on May 8, 2013 by the National Highway Traffic Safety Administration, 1200 New Jersey SE, Washington, DC 20590 and [that shall become] effective [beginning on] May 8, 2014, which is hereby incorporated by reference and made a part of this rule, are no longer satisfied. This paragraph [6.] 5. does not incorporate any subsequent amendments or additions to this publication.

(B) A revocation shall last for at least one (1) year after the final decision of the Missouri Department of Transportation, Traffic and Highway Safety Division or the committee, whichever comes last. A device that has been revoked will have to follow the procedures of 7 CSR 60-2.020 to become re-approved. The Missouri Department of Transportation, Traffic and Highway Safety Division or the committee may impose additional requirements to ensure the safety of the public for a revoked device to be re-approved. Actions that have the effect of jeopardizing public safety by the authorized service provider and/or their installers may result in a longer revocation, not to exceed five (5) years.

### (3) Notice and Review.

(B) A suspension or revocation is effective fifteen (15) days after notification is deemed received by the authorized service provider when no written request for an informal review has been received by the Missouri Department of Transportation, Traffic and Highway Safety Division **during the ten- (10-) day appeal request deadline as provided in subsection (3)(D) of this rule.**

(D) An authorized service provider may request an informal review of a suspension or revocation. This request must be submitted to the Missouri Department of Transportation, Traffic and Highway Safety Division, in writing, within ten (10) days of receipt of a notice of suspension or revocation.

1. The informal review may be conducted in person, in writing, or by telephone [with] **by an informal review committee composed of Missouri Department of Transportation[, Traffic and Highway Safety Division] personnel** delegated to conduct such informal review by the Missouri Highways and Transportation Commission.

2. In the event that the informal review is unable to resolve the dispute between the Traffic and Highway Safety Division and the authorized service provider, the committee [may] **shall** issue a decision which shall become the final decision of the commission.

(E) Within thirty (30) days of the event of suspension, revocation, or voluntary surrender of approval, an authorized service provider shall be responsible for notifying operators of decertified devices and shall bear the cost for the removal of any and all decertified devices from operators' vehicles and the installation of new devices which must be selected **by the operator** from the state of Missouri's list of approved devices. **The Missouri Department of Transportation, Traffic and Highway Safety Division reserves the right to notify operators if deemed necessary.**

(F) **Within fifteen (15) days of the event of suspension, revoca-**

tion, or voluntary surrender of approval, an authorized service provider shall transfer all of the operator's user records and other applicable documents to a location and in a format as directed by the Missouri Department of Transportation, Traffic and Highway Safety Division.

(G) If a device has been suspended in accordance with 7 CSR 60-2.060(1), above, and corrective action has not been satisfactorily completed during the period of the suspension, the Missouri Department of Transportation, Traffic and Highway Safety Division may immediately proceed to revoke approval of the device by mailing notice thereof to a representative of the authorized service provider at the last known address on file with the Missouri Department of Transportation, Traffic and Highway Safety Division. The notice is deemed received three (3) days after mailing unless returned by postal authorities. The revocation shall be immediately effective. An authorized service provider may request an informal review of the revocation. This request must be submitted to the Missouri Department of Transportation, Traffic and Highway Safety Division, in writing, within ten (10) days of receipt of a notice of suspension or revocation.

1. The informal review may be conducted in person, in writing, or by telephone with Missouri Department of Transportation, Traffic and Highway Safety Division personnel delegated to conduct such informal review by the Missouri Highways and Transportation Commission.

2. In the event that the informal review is unable to resolve the dispute between the Traffic and Highway Safety Division and the authorized service provider, the committee may issue a decision which shall become the final decision of the commission.

*AUTHORITY: sections 302.060, 302.304, 302.309, [and] 302.525, and 577.041, RSMo Supp. 2013, sections 302.440-302.462, RSMo Supp. 2014 and 2016, sections 577.600-577.614, RSMo 2000, [and] RSMo Supp. 2013 and 2014, and section 226.130, RSMo 2000. This rule originally filed as 11 CSR 60-2.060. Emergency rule filed Feb. 5, 1996, effective Feb. 15, 1996, expired Aug. 12, 1996. Original rule filed Feb. 16, 1996, effective Aug. 30, 1996. For intervening history, please consult the Code of State Regulations. Amended: Filed Oct. 17, 2016.*

*PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

*PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Department of Transportation, Pam Harlan, Secretary to the Commission, PO Box 270, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

## Title 7—DEPARTMENT OF TRANSPORTATION Division 265—Motor Carrier and Railroad Safety Chapter 10—Motor Carrier Operations

### PROPOSED AMENDMENT

**7 CSR 265-10.015 Application Requirements for the Issuance and Transfer of Intrastate Motor Carrier Authority.** The Missouri Highways and Transportation Commission is amending sections (3) and (8) and deleting section (7).

*PURPOSE: This proposed amendment updates language regarding proper registration and removes unnecessary language regarding*

transfers.

(3) Required Documentation. The commission shall not consider for final determination the request of the applicant until the commission has received the following required documentation:

(F) *[A completed form for the issuance of a USDOT number by the commission]* Confirmation that the applicant is properly registered with the United States Department of Transportation (USDOT);

(H) *[Proof]* Certification of workers' compensation coverage.

*[(7) The commission shall dismiss on its motion any application for substantially the same common authority that has been previously denied within six (6) months of filing the subsequent application.]*

*[(8)](7) Transfers—Commission staff's review of each proposed transfer of a certificate or permit shall include a consideration of how the proposed transfer will affect the transferor's and transferee's other operating authority, if any. In issuing the transfer request, commission staff [shall apply the principles of merger with reference to duplicated or overlapping authority as provided in 7 CSR 265-10.090 or to] may correct spelling, typographical, grammatical, or format errors without altering the substance of the authority. [If any objections are timely-filed to the commission concerning the certificate(s) or permit(s) issued and cannot be resolved, the matter will be sent to the Administrative Hearing Commission for a hearing and final determination.]*

*AUTHORITY: section 622.027, RSMo 2000, and section 226.008, RSMo Supp. 2013. This rule originally filed as 4 CSR 265-2.060. Emergency rule filed June 14, 1985, effective July 1, 1985, expired Oct. 28, 1985. Original rule filed Aug. 1, 1985, effective Oct. 29, 1985. For intervening history, please consult the Code of State Regulations. Amended: Filed Oct. 14, 2016.*

*PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

*PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Department of Transportation, Pam Harlan, Secretary to the Commission, PO Box 270, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

**Title 7—DEPARTMENT OF TRANSPORTATION  
Division 265—Motor Carrier and Railroad Safety  
Chapter 10—Motor Carrier Operations**

**PROPOSED AMENDMENT**

**7 CSR 265-10.025 Marking of Vehicles.** The Missouri Highways and Transportation Commission is amending section (1).

*PURPOSE: This proposed amendment removes unnecessary language and modifies the requirement for displaying the USDOT number on non-CDL passenger-carrying vehicles.*

*PUBLISHER'S NOTE: The secretary of state has determined that the publication of the entire text of the material which is incorporated by reference as a portion of this rule would be unduly cumbersome or expensive. This material as incorporated by reference in this rule shall be maintained by the agency at its headquarters and shall be made available to the public for inspection and copying at no more than the actual cost of reproduction. This note applies only to the ref-*

*erence material. The entire text of the rule is printed here.*

(1) Vehicle Markings. Every motor vehicle operated by a motor carrier in intrastate commerce under any property carrier registration, certificate, or permit issued by the Missouri Highways and Transportation Commission shall be marked in conformity with the requirements of section 390.21 of Title 49, *Code of Federal Regulations* (CFR), or if applicable, subpart D of Title 49, CFR p/Part 390. The commission incorporates by reference in, and makes a part of this rule, the provisions of Title 49, CFR Part 390.21 as published by the United States Government Printing Office, 732 North Capitol Street NW, Washington DC 20401, on [April 1] **September 24, 2011/3**. This rule does not incorporate any subsequent amendments or additions to 49 CFR Part 390.21. *[Exceptions: Motor carriers transporting motor vehicles in driveaway or towaway operations may display the markings on both sides or at the rear of a single driven vehicle. Motor carriers transporting a combination of vehicles in driveaway or towaway operations may display the prescribed markings on both sides of any one (1) of the units comprising the combination, or at the rear of the rearmost unit of this combination.]* Motor carriers operating a **non-Commercial Driver's License (CDL)** passenger-carrying vehicle having a capacity of *[twelve (12)] fifteen (15)* passengers or less, excluding the driver, may display on the vehicle's rear bumper, rear window, or otherwise on the rear of the vehicle, the **United States Department of Transportation (USDOT)** number assigned to the motor carrier, which shall be marked *[in readily legible figures not less than two inches (2") in height, which] so it is readily legible during daylight hours from a distance of fifty feet (50')* while a **Commercial Motor Vehicle (CMV) is stationary** and shall contrast sharply in color with the background on which the figures are placed.

*AUTHORITY: section 622.027, RSMo 2000. This rule originally filed as 4 CSR 265-10.025. Emergency rule filed Dec. 1, 1994, terminated Dec. 19, 1994. Emergency rule filed Dec. 20, 1994, effective Jan. 1, 1995, expired April 30, 1995. Emergency rule filed April 20, 1995, effective May 1, 1995, expired Aug. 28, 1995. Emergency rule filed Aug. 18, 1995, effective Aug. 29, 1995, expired Feb. 24, 1996. Original rule filed Aug. 3, 1995, effective Feb. 25, 1996. For intervening history, please consult the Code of State Regulations. Amended: Filed Oct. 14, 2016.*

*PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

*PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Department of Transportation, Pam Harlan, Secretary to the Commission, PO Box 270, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

**Title 7—DEPARTMENT OF TRANSPORTATION  
Division 265—Motor Carrier and Railroad Safety  
Chapter 10—Motor Carrier Operations**

**PROPOSED RESCISSION**

**7 CSR 265-10.055 Passenger Tariffs.** This rule prescribed the form and governed the construction and filing of passenger tariffs of railroad corporations, street railroad corporations, motor carriers and contract haulers.

*PURPOSE:* This rule is being rescinded because it is obsolete. The entire rule consisted of interpretations and references which no longer apply.

*AUTHORITY:* section 622.027, RSMo 2000. This rule originally filed as 4 CSR 265-6.010. Emergency rule filed June 14, 1985, effective July 1, 1985, expired Oct. 28, 1985. Original rule filed Aug. 1, 1985, effective Oct. 29, 1985. For intervening history, please consult the *Code of State Regulations*. Rescinded: Filed Oct. 14, 2016.

*PUBLIC COST:* This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

*PRIVATE COST:* This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.

*NOTICE TO SUBMIT COMMENTS:* Anyone may file a statement in support of or in opposition to this proposed rescission with the Missouri Department of Transportation, Pam Harlan, Secretary to the Commission, PO Box 270, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 7—DEPARTMENT OF TRANSPORTATION  
Division 265—Motor Carrier and Railroad Safety  
Chapter 10—Motor Carrier Operations**

**PROPOSED RESCISSION**

**7 CSR 265-10.090 Merger of Duplicated or Overlapping Motor Carrier Operating Authority.** This rule interpreted and implemented the principles of merger with reference to motor carriers who acquire, or whose certificates or permits contained, duplicated or overlapped pieces of operating authority.

*PURPOSE:* This rule is being rescinded because the subject is obsolete.

*AUTHORITY:* section 622.027, RSMo 2000. This rule originally filed as 4 CSR 265-2.190. Original rule filed Nov. 4, 1992, effective July 8, 1993. Moved to 7 CSR 265-10.090 and amended: Filed May 2, 2013, effective Dec. 30, 2013. Rescinded: Filed Oct. 14, 2016.

*PUBLIC COST:* This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

*PRIVATE COST:* This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.

*NOTICE TO SUBMIT COMMENTS:* Anyone may file a statement in support of or in opposition to this proposed rescission with the Missouri Department of Transportation, Pam Harlan, Secretary to the Commission, PO Box 270, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 7—DEPARTMENT OF TRANSPORTATION  
Division 265—Motor Carrier and Railroad Safety  
Chapter 10—Motor Carrier Operations**

**PROPOSED AMENDMENT**

**7 CSR 265-10.140 Discontinuance of Service; Suspension and**

**Revocation of Certificates, Permits, and Property Carrier Registrations.** The Missouri Highways and Transportation Commission is amending sections (1), (3), and (4), deleting section (2), and renumbering.

*PURPOSE:* This proposed amendment removes unnecessary language, and changes the responsibility of ordering revocation from the Administrative Hearing Commission to the commission.

*PUBLISHER'S NOTE:* The secretary of state has determined that the publication of the entire text of the material which is incorporated by reference as a portion of this rule would be unduly cumbersome or expensive. This material as incorporated by reference in this rule shall be maintained by the agency at its headquarters and shall be made available to the public for inspection and copying at no more than the actual cost of reproduction. This note applies only to the reference material. The entire text of the rule is printed here.

(1) The **Missouri Highways and Transportation [c]Commission** may cancel a certificate, permit, or property carrier registration which authorizes the transportation of passengers or property, upon receiving written notice from the person to whom the authority was issued which indicates that the person has discontinued that transportation service. *[The commission may cancel such a certificate or permit without a hearing, unless the person requests a hearing before the effective date of the cancellation.]*

*[(2) If a common carrier of passengers who has both intrastate authority and interstate authority issued by the Secretary of the Department of Transportation (Secretary) or its predecessor under 49 U.S.C. section 13902, to provide transportation over routes on which the carrier proposes to discontinue intrastate service, a copy of the order authorizing discontinuance or reduction of the interstate service must be attached to the written notice before the commission considers the cancellation request.]*

*[(3)](2) Whenever the commission suspends the certificate, permit, or property carrier registration of a motor carrier as provided under section 390.106, RSMo, the commission shall immediately notify the carrier of the suspension by mailing a copy of the suspension order to the carrier's principal place of business or mailing address, if different, as shown upon the commission's records. Within a reasonable time after suspension, the commission *[shall send the matter to the Administrative Hearing Commission for a hearing to]* **may request the carrier** show cause why his/her certificate, *[or]* **permit, or property carrier registration** should not be revoked.*

*[(4)](3) [After the hearing, and u]Upon a finding that any of the grounds exist for revocation as set forth in subdivisions (1), (2), (3), or (4) of section 390.106, RSMo, the *[Administrative Hearing C]commission* may order the revocation of the carrier's certificate, permit, or property carrier registration upon not less than thirty (30) days notice to the carrier. The notice shall be sent by mail to the carrier's principal place of business or mailing address, if different, as shown upon the commission's records, to any carrier who holds intrastate authority.*

*[(5)](4) When a carrier has been given notice as provided in this rule, a certificate, permit, or property carrier registration shall not be reinstated or restored to active status after the effective date of an order which has revoked that certificate or permit.*

*AUTHORITY:* section 622.027, RSMo 2000. This rule originally filed as 4 CSR 265-2.180. Original rule filed Nov. 4, 1992, effective July 8, 1993. For intervening history, please consult the *Code of State*



**Regulations.** Amended: Filed Oct. 14, 2016.

**PUBLIC COST:** This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

**PRIVATE COST:** This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

**NOTICE TO SUBMIT COMMENTS:** Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Department of Transportation, Pam Harlan, Secretary to the Commission, PO Box 270, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 10—DEPARTMENT OF NATURAL RESOURCES  
Division 10—Air Conservation Commission  
Chapter 6—Air Quality Standards, Definitions, Sampling  
and Reference Methods and Air Pollution Control  
Regulations for the Entire State of Missouri**

**PROPOSED AMENDMENT**

**10 CSR 10-6.070 New Source Performance Regulations.** The commission proposes to amend the rule purpose and sections (1) through (5). If the commission adopts this rule action, the department intends to advise the U.S. Environmental Protection Agency that we will accept delegation of enforcement authority for these federal regulations. The evidence supporting the need for this proposed rulemaking is available for viewing at the Missouri Department of Natural Resources' Air Pollution Control Program at the address listed in the Notice of Public Hearing at the end of this rule. More information concerning this rulemaking can be found at the Missouri Department of Natural Resources' Environmental Regulatory Agenda website, [www.dnr.mo.gov/proposed-rules](http://www.dnr.mo.gov/proposed-rules).

**PURPOSE:** This amendment incorporates by reference new emission standards, updates, and clarifications to federal rule 40 CFR 60 that were promulgated from January 1, 2013, through December 31, 2015. It also clarifies the rule purpose, removes unnecessary rule language, clarifies much of the remaining rule language, and presents the list of incorporated federal subparts in a more user-friendly format. The evidence supporting the need for this proposed rulemaking, per 536.016, RSMo, is elements of the state/EPA work plan and Title V Operating Permit Program requirements.

**PURPOSE:** [This rule establishes acceptable design and performance criteria for specified new or modified emission sources.] This rule incorporates by reference the new source performance standards in 40 CFR 60. This provides the Missouri Department of Natural Resources the authority to implement and enforce these U.S. Environmental Protection Agency regulations.

(1) Applicability. This rule applies to sources subject to 40 CFR 60 subparts incorporated by reference in subsection (3)(A) of this rule.

(1A) The provisions of 40 CFR 60 promulgated as of June 30, 2012, and Federal Register Notices 77 FR 48433, 77 FR 49490, and 77 FR 56422 promulgated from July 1, 2012, through December 31, 2012, shall apply and are hereby incorporated by reference in this rule, as published by the Office of the Federal Register, U.S. National Archives and Records, 700 Pennsylvania Avenue NW, Washington, DC 20408. This rule does not incorporate any subsequent amendments or additions.

(B) Exceptions to subsection (1)(A) of this rule are as follows:

1. Sections 60.4, 60.9, and 60.10 of subpart A;
2. Subpart B in its entirety;
3. Those provisions which are not delegable by the United States Environmental Protection Agency (EPA); and
4. Incinerators which are subject to Hazardous Waste Management Commission rule 40 CFR 264, subpart O, as incorporated in 10 CSR 25-7.264, shall not be subjected to the requirements of this rule. The exemptions granted under 40 CFR 264.340(b), as incorporated in 10 CSR 25-7.264, are subject to this rule. All other applicable requirements of this chapter shall remain in effect as to the incinerators.

(C) In addition to complying with the provisions of this rule, affected sources may be required to obtain an operating permit pursuant to Title V of the Clean Air Act Amendments or 10 CSR 10-6.065.

(D) Where emission limitations, test procedure, or other requirements found in both subsection (1)(A) of this rule and in another rule under Title 10 Division 10 of the Code of State Regulations are applicable to an emission source, the more restrictive rule requirement shall be applied.]

(2) Definitions. Certain terms used in 40 CFR [part] 60 refer to federal officers, agencies, and publications. [The following terms applicable to Missouri shall be substituted where appropriate for the delegable federal counterparts] The following terms must be substituted when applicable to Missouri where appropriate for the federal counterparts:

- (A) Director [shall be] is substituted for Administrator;
- (B) Missouri Department of Natural Resources [shall be] is substituted for EPA, EPA Regional Office, or Environmental Protection Agency; and
- (C) Missouri Register [shall be] is substituted for Federal Register.

(3) General Provisions. [The following New Source Performance Standards (NSPS) 40 CFR part 60 subparts adopted by reference in subsection (1)(A) of this rule are listed below by individual source operations or installations in these categories and subject to this rule as specified in the applicable subpart:

- | Subpart | Title                                                                                                                                                                                                   |
|---------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| (D)     | Standards of Performance for Fossil-Fuel-Fired Steam Generators for Which Construction is Commenced After August 17, 1971                                                                               |
| (Da)    | Standards of Performance for Electric Utility Steam Generating Units for Which Construction is Commenced After September 18, 1978                                                                       |
| (Db)    | Standards of Performance for Industrial-Commercial-Institutional Steam Generating Units                                                                                                                 |
| (Dc)    | Standards of Performance for Small Industrial-Commercial-Institutional Steam Generating Units                                                                                                           |
| (E)     | Standards of Performance for Incinerators                                                                                                                                                               |
| (Ea)    | Standards of Performance for Municipal Waste Combustors for Which Construction is Commenced After December 20, 1989 and on or Before September 20, 1994                                                 |
| (Eb)    | Standards of Performance for Large Municipal Waste Combustors for Which Construction is Commenced After September 20, 1994 or for Which Modification or Reconstruction is Commenced After June 19, 1996 |
| (Ec)    | Standards of Performance for Hospital/Medical/Infectious Waste Incinerators for Which Construction is Commenced After June 20, 1996                                                                     |
| (F)     | Standards of Performance for Portland Cement Plants                                                                                                                                                     |
| (G)     | Standards of Performance for Nitric Acid Plants                                                                                                                                                         |
| (Ga)    | Standards of Performance for Nitric Acid Plants for Which Construction, Reconstruction, or Modification                                                                                                 |

Commenced After October 14, 2011

(H) Standards of Performance for Sulfuric Acid Plants  
(I) Standards of Performance for Hot Mix Asphalt Facilities  
(J) Standards of Performance for Petroleum Refineries  
(Ja) Standards of Performance for Petroleum Refineries for Which Construction, Reconstruction, or Modification Commenced After May 14, 2007  
(K) Standards of Performance for Storage Vessels for Petroleum Liquids for Which Construction, Reconstruction, or Modification Commenced After June 11, 1973, and Prior to May 19, 1978  
(Ka) Standards of Performance for Storage Vessels for Petroleum Liquids for Which Construction, Reconstruction, or Modification Commenced After May 18, 1978, and Prior to July 23, 1984  
(Kb) Standards of Performance for Volatile Organic Liquid Storage Vessels (Including Petroleum Liquid Storage Vessels) for Which Construction, Reconstruction, or Modification Commenced After July 23, 1984  
(L) Standards of Performance for Secondary Lead Smelters  
(M) Standards of Performance for Secondary Brass and Bronze Production Plants  
(N) Standards of Performance for Primary Emissions from Basic Oxygen Process Furnaces for Which Construction is Commenced After June 11, 1973  
(Na) Standards of Performance for Secondary Emissions from Basic Oxygen Process Steelmaking Facilities for Which Construction is Commenced After January 20, 1983  
(O) Standards of Performance for Sewage Treatment Plants  
(P) Standards of Performance for Primary Copper Smelters  
(Q) Standards of Performance for Primary Zinc Smelters  
(R) Standards of Performance for Primary Lead Smelters  
(S) Standards of Performance for Primary Aluminum Reduction Plants  
(T) Standards of Performance for the Phosphate Fertilizer Industry: Wet-Process Phosphoric Acid Plants  
(U) Standards of Performance for the Phosphate Fertilizer Industry: Superphosphoric Acid Plants  
(V) Standards of Performance for the Phosphate Fertilizer Industry: Diammonium Phosphate Plants  
(W) Standards of Performance for the Phosphate Fertilizer Industry: Triple Superphosphate Plants  
(X) Standards of Performance for the Phosphate Fertilizer Industry: Granular Triple Superphosphate Storage Facilities  
(Y) Standards of Performance for Coal Preparation Plants  
(Z) Standards of Performance for Ferroalloy Production Facilities  
(AA) Standards of Performance for Steel Plants: Electric Arc Furnaces Constructed After October 21, 1974, and On or Before August 17, 1983  
(AAa) Standards of Performance for Steel Plants: Electric Arc Furnaces and Argon-Oxygen Decarburization Vessels Constructed After August 17, 1983  
(BB) Standards of Performance for Kraft Pulp Mills  
(CC) Standards of Performance for Glass Manufacturing Plants  
(DD) Standards of Performance for Grain Elevators  
(EE) Standards of Performance for Surface Coating of Metal Furniture  
(GG) Standards of Performance for Stationary Gas Turbines  
(HH) Standards of Performance for Lime Manufacturing Plants  
(KK) Standards of Performance for Lead-Acid Battery Manufacturing Plants  
(LL) Standards of Performance for Metallic Mineral Processing Plants

(MM) Standards of Performance for Automobile and Light Duty Truck Surface Coating Operations  
(NN) Standards of Performance for Phosphate Rock Plants  
(PP) Standards of Performance for Ammonium Sulfate Manufacture  
(QQ) Standards of Performance for the Graphic Arts Industry: Publication Rotogravure Printing  
(RR) Standards of Performance for Pressure Sensitive Tape and Label Surface Coating Operations  
(SS) Standards of Performance for Industrial Surface Coating: Large Appliances  
(TT) Standards of Performance for Metal Coil Surface Coating  
(UU) Standards of Performance for Asphalt Processing and Asphalt Roofing Manufacture  
(VV) Standards of Performance for Equipment Leaks of VOC in the Synthetic Organic Chemicals Manufacturing Industry for which Construction, Reconstruction, or Modification Commenced After January 5, 1981, and on or Before November 7, 2006  
(VVa) Standards of Performance for Equipment Leaks of VOC in the Synthetic Organic Chemicals Manufacturing Industry for Which Construction, Reconstruction, or Modification Commenced After November 7, 2006  
(WW) Standards of Performance for the Beverage Can Surface Coating Industry  
(XX) Standards of Performance for Bulk Gasoline Terminals  
(AAA) Standards of Performance for New Residential Wood Heaters  
(BBB) Standards of Performance for the Rubber Tire Manufacturing Industry  
(DDD) Standards of Performance for Volatile Organic Compound (VOC) Emissions from the Polymer Manufacturing Industry  
(FFF) Standards of Performance for Flexible Vinyl and Urethane Coating and Printing  
(GGG) Standards of Performance for Equipment Leaks of VOC in Petroleum Refineries for which Construction, Reconstruction, or Modification Commenced After January 4, 1983, and on or Before November 7, 2006  
(GGGa) Standards of Performance for Equipment Leaks of VOC in Petroleum Refineries for Which Construction, Reconstruction, or Modification Commenced After November 7, 2006  
(HHH) Standards of Performance for Synthetic Fiber Production Facilities  
(III) Standards of Performance for Volatile Organic Compound (VOC) Emissions From the Synthetic Organic Chemical Manufacturing Industry (SOCMI) Air Oxidation Unit Processes  
(JJJ) Standards of Performance for Petroleum Dry Cleaners  
(KKK) Standards of Performance for Equipment Leaks of VOC From Onshore Natural Gas Processing Plants  
(LLL) Standards of Performance for Onshore Natural Gas Processing: SO<sub>2</sub> Emissions  
(NNN) Standards of Performance for Volatile Organic Compound (VOC) Emissions From Synthetic Organic Chemical Manufacturing Industry (SOCMI) Distillation Operations  
(OOO) Standards of Performance for Nonmetallic Mineral Processing Plants  
(PPP) Standard of Performance for Wool Fiberglass Insulation Manufacturing Plants  
(QQQ) Standards of Performance for VOC Emissions From Petroleum Refinery Wastewater Systems  
(RRR) Standards of Performance for Volatile Organic

*Compound Emissions From Synthetic Organic Chemical Manufacturing Industry (SOCMI) Reactor Processes*

*(SSS) Standards of Performance for Magnetic Tape Coating Facilities*

*(TTT) Standards of Performance for Industrial Surface Coating: Surface Coating of Plastic Parts for Business Machines*

*(UUU) Standards of Performance for Calciners and Dryers in Mineral Industries*

*(VVV) Standards of Performance for Polymeric Coating of Supporting Substrates Facilities*

*(WWW) Standards of Performance for Municipal Solid Waste Landfills*

*(AAAA) Standards of Performance for Small Municipal Waste Combustion Units for Which Construction is Commenced After August 30, 1999 or for Which Modification or Reconstruction is Commenced After June 6, 2001*

*(CCCC) Standards of Performance for Commercial and Industrial Solid Waste Incineration Units for Which Construction Is Commenced After November 30, 1999 or for Which Modification or Reconstruction Is Commenced on or After June 1, 2001*

*(EEEE) Standards of Performance for Other Solid Waste Incineration Units for Which Construction Commenced After December 9, 2004, or for Which Modification or Reconstruction Is Commenced on or After June 16, 2006*

*(III) Standards of Performance for Stationary Compression Ignition Internal Combustion Engines*

*(JJJJ) Standards of Performance for Stationary Spark Ignition Internal Combustion Engines*

*(KKKK) Standards of Performance for Stationary Combustion Turbines*

*(LLLL) Standards of Performance for New Sewage Sludge Incineration Units*

*(OOOO) Standards of Performance for Crude Oil and Natural Gas Production, Transmission and Distribution]*

**(A) Incorporations by Reference.**

1. The provisions of 40 CFR 60 promulgated as of July 1, 2015, and *Federal Register* Notices 80 FR 44772, 80 FR 48262, 80 FR 50386, 80 FR 64510, and 80 FR 75178 promulgated between July 1, 2015 and December 31, 2015, as published by the Office of the Federal Register, U.S. National Archives and Records, 700 Pennsylvania Avenue NW, Washington, DC 20408, shall apply and are hereby incorporated by reference in this rule. This rule does not incorporate any subsequent amendments or additions.

2. Exceptions to paragraph (3)(A)1. of this rule are—

A. Those provisions which are not delegable by the U.S. Environmental Protection Agency (EPA);

B. Sections 60.4, 60.9, and 60.10 of subpart A;

C. Subpart B;

D. Subpart AAA;

E. Subpart QQQQ; and

F. Incinerators subject to Hazardous Waste Management Commission rule 40 CFR 264, subpart O, as incorporated in 10 CSR 25-7.264, are not subject to this rule. The sources exempted in 40 CFR 264.340(b), as incorporated in 10 CSR 25-7.264, are subject to this rule. All other applicable requirements of Division 25 remain in effect.

(B) The subparts of 40 CFR 60 incorporated by reference in subsection (3)(A) of this rule are—

Subpart	Title
D	Standards of Performance for Fossil-Fuel-Fired Steam Generators for Which Construction is Commenced After August 17, 1971
Da	Standards of Performance for Electric Utility Steam Generating Units for Which Construction is Commenced After September 18, 1978
Db	Standards of Performance for Industrial-Commercial-Institutional Steam Generating Units
Dc	Standards of Performance for Small Industrial-Commercial-Institutional Steam Generating Units
E	Standards of Performance for Incinerators
Ea	Standards of Performance for Municipal Waste Combustors for Which Construction is Commenced After December 20, 1989 and on or Before September 20, 1994
Eb	Standards of Performance for Large Municipal Waste Combustors for Which Construction is Commenced After September 20, 1994 or for Which Modification or Reconstruction is Commenced After June 19, 1996
Ec	Standards of Performance for Hospital/Medical/Infectious Waste Incinerators for Which Construction is Commenced After June 20, 1996
F	Standards of Performance for Portland Cement Plants
G	Standards of Performance for Nitric Acid Plants
Ga	Standards of Performance for Nitric Acid Plants for Which Construction, Reconstruction, or Modification Commenced After October 14, 2011
H	Standards of Performance for Sulfuric Acid Plants
I	Standards of Performance for Hot Mix Asphalt Facilities
J	Standards of Performance for Petroleum Refineries
Ja	Standards of Performance for Petroleum Refineries for Which Construction, Reconstruction, or Modification Commenced After May 14, 2007
K	Standards of Performance for Storage Vessels for Petroleum Liquids for Which Construction, Reconstruction, or Modification Commenced After June 11, 1973, and Prior to May 19, 1978
Ka	Standards of Performance for Storage Vessels for Petroleum Liquids for Which Construction, Reconstruction, or Modification Commenced After May 18, 1978, and Prior to July 23, 1984
Kb	Standards of Performance for Volatile Organic Liquid Storage Vessels (Including Petroleum Liquid Storage Vessels) for Which Construction, Reconstruction, or Modification Commenced After July 23, 1984
L	Standards of Performance for Secondary Lead Smelters
M	Standards of Performance for Secondary Brass and Bronze Production Plants
N	Standards of Performance for Primary Emissions from Basic Oxygen Process Furnaces for Which Construction is Commenced After June 11, 1973
Na	Standards of Performance for Secondary Emissions from Basic Oxygen Process Steelmaking Facilities for Which Construction is Commenced After January 20, 1983
O	Standards of Performance for Sewage Treatment Plants
P	Standards of Performance for Primary Copper Smelters
Q	Standards of Performance for Primary Zinc Smelters
R	Standards of Performance for Primary Lead Smelters
S	Standards of Performance for Primary Aluminum Reduction Plants

<b>T</b>	<b>Standards of Performance for the Phosphate Fertilizer Industry: Wet-Process Phosphoric Acid Plants</b>
<b>U</b>	<b>Standards of Performance for the Phosphate Fertilizer Industry: Superphosphoric Acid Plants</b>
<b>V</b>	<b>Standards of Performance for the Phosphate Fertilizer Industry: Diammonium Phosphate Plants</b>
<b>W</b>	<b>Standards of Performance for the Phosphate Fertilizer Industry: Triple Superphosphate Plants</b>
<b>X</b>	<b>Standards of Performance for the Phosphate Fertilizer Industry: Granular Triple Superphosphate Storage Facilities</b>
<b>Y</b>	<b>Standards of Performance for Coal Preparation Plants</b>
<b>Z</b>	<b>Standards of Performance for Ferroalloy Production Facilities</b>
<b>AA</b>	<b>Standards of Performance for Steel Plants: Electric Arc Furnaces Constructed After October 21, 1974, and On or Before August 17, 1983</b>
<b>AAa</b>	<b>Standards of Performance for Steel Plants: Electric Arc Furnaces and Argon-Oxygen Decarburization Vessels Constructed After August 17, 1983</b>
<b>BB</b>	<b>Standards of Performance for Kraft Pulp Mills</b>
<b>BBa</b>	<b>Standards of Performance for Kraft Pulp Mill Affected Sources for Which Construction, Reconstruction, or Modification Commenced After May 23, 2013</b>
<b>CC</b>	<b>Standards of Performance for Glass Manufacturing Plants</b>
<b>DD</b>	<b>Standards of Performance for Grain Elevators</b>
<b>EE</b>	<b>Standards of Performance for Surface Coating of Metal Furniture</b>
<b>GG</b>	<b>Standards of Performance for Stationary Gas Turbines</b>
<b>HH</b>	<b>Standards of Performance for Lime Manufacturing Plants</b>
<b>KK</b>	<b>Standards of Performance for Lead-Acid Battery Manufacturing Plants</b>
<b>LL</b>	<b>Standards of Performance for Metallic Mineral Processing Plants</b>
<b>MM</b>	<b>Standards of Performance for Automobile and Light Duty Truck Surface Coating Operations</b>
<b>NN</b>	<b>Standards of Performance for Phosphate Rock Plants</b>
<b>PP</b>	<b>Standards of Performance for Ammonium Sulfate Manufacture</b>
<b>QQ</b>	<b>Standards of Performance for the Graphic Arts Industry: Publication Rotogravure Printing</b>
<b>RR</b>	<b>Standards of Performance for Pressure Sensitive Tape and Label Surface Coating Operations</b>
<b>SS</b>	<b>Standards of Performance for Industrial Surface Coating: Large Appliances</b>
<b>TT</b>	<b>Standards of Performance for Metal Coil Surface Coating</b>
<b>UU</b>	<b>Standards of Performance for Asphalt Processing and Asphalt Roofing Manufacture</b>
<b>VV</b>	<b>Standards of Performance for Equipment Leaks of VOC in the Synthetic Organic Chemicals Manufacturing Industry for which Construction, Reconstruction, or Modification Commenced After January 5, 1981, and on or Before November 7, 2006</b>
<b>VVa</b>	<b>Standards of Performance for Equipment Leaks of VOC in the Synthetic Organic Chemicals Manufacturing Industry for Which Construction, Reconstruction, or Modification Commenced After November 7, 2006</b>
<b>WW</b>	<b>Standards of Performance for the Beverage Can Surface Coating Industry</b>
<b>XX</b>	<b>Standards of Performance for Bulk Gasoline Terminals</b>
<b>BBB</b>	<b>Standards of Performance for the Rubber Tire Manufacturing Industry</b>
<b>DDD</b>	<b>Standards of Performance for Volatile Organic Compound (VOC) Emissions from the Polymer Manufacturing Industry</b>

FFF	Standards of Performance for Flexible Vinyl and Urethane Coating and Printing
GGG	Standards of Performance for Equipment Leaks of VOC in Petroleum Refineries for which Construction, Reconstruction, or Modification Commenced After January 4, 1983, and on or Before November 7, 2006
GGGa	Standards of Performance for Equipment Leaks of VOC in Petroleum Refineries for Which Construction, Reconstruction, or Modification Commenced After November 7, 2006
HHH	Standards of Performance for Synthetic Fiber Production Facilities
III	Standards of Performance for Volatile Organic Compound (VOC) Emissions From the Synthetic Organic Chemical Manufacturing Industry (SOCMI) Air Oxidation Unit Processes
JJJ	Standards of Performance for Petroleum Dry Cleaners
KKK	Standards of Performance for Equipment Leaks of VOC From Onshore Natural Gas Processing Plants
LLL	Standards of Performance for Onshore Natural Gas Processing: SO <sub>2</sub> Emissions
NNN	Standards of Performance for Volatile Organic Compound (VOC) Emissions From Synthetic Organic Chemical Manufacturing Industry (SOCMI) Distillation Operations
OOO	Standards of Performance for Nonmetallic Mineral Processing Plants
PPP	Standard of Performance for Wool Fiberglass Insulation Manufacturing Plants
QQQ	Standards of Performance for VOC Emissions From Petroleum Refinery Wastewater Systems
RRR	Standards of Performance for Volatile Organic Compound Emissions From Synthetic Organic Chemical Manufacturing Industry (SOCMI) Reactor Processes
SSS	Standards of Performance for Magnetic Tape Coating Facilities
TTT	Standards of Performance for Industrial Surface Coating: Surface Coating of Plastic Parts for Business Machines
UUU	Standards of Performance for Calciners and Dryers in Mineral Industries
VVV	Standards of Performance for Polymeric Coating of Supporting Substrates Facilities
WWW	Standards of Performance for Municipal Solid Waste Landfills
AAAA	Standards of Performance for Small Municipal Waste Combustion Units for Which Construction is Commenced After August 30, 1999 or for Which Modification or Reconstruction is Commenced After June 6, 2001
CCCC	Standards of Performance for Commercial and Industrial Solid Waste Incineration Units for Which Construction Is Commenced After November 30, 1999 or for Which Modification or Reconstruction Is Commenced on or After June 1, 2001
EEEE	Standards of Performance for Other Solid Waste Incineration Units for Which Construction Commenced After December 9, 2004, or for Which Modification or Reconstruction Is Commenced on or After June 16, 2006
IIII	Standards of Performance for Stationary Compression Ignition Internal Combustion Engines
JJJJ	Standards of Performance for Stationary Spark Ignition Internal Combustion Engines
KKKK	Standards of Performance for Stationary Combustion Turbines
LLLL	Standards of Performance for New Sewage Sludge Incineration Units
OOOO	Standards of Performance for Crude Oil and Natural Gas Production, Transmission and Distribution
TTTT	Standards of Performance for Greenhouse Gas Emissions for Electric Generating Units

(4) Reporting. Reporting requirements are specified in each federal regulation [adopted] incorporated by reference.

(5) Test Methods. [The sampling methods given in 40 CFR part 60, Appendix A and specified in 10 CSR 10-6.030 shall be effective as of the date in section (1) of this rule] The test methods are specified in 40 CFR 60, Appendix A and 10 CSR 10-6.030.

*AUTHORITY:* section 643.050, RSMo Supp. 2013. Original rule filed Dec. 10, 1979, effective April 11, 1980. For intervening history, please consult the Code of State Regulations. Amended: Filed Oct. 7, 2016.

*PUBLIC COST:* This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

*PRIVATE COST:* This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate. The private entity fiscal cost impacts for compliance with the federal standards are accounted for in the federal rulemakings.

**NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS:** A public hearing on this proposed amendment will begin at 9:00 a.m., January 31, 2017. The public hearing will be held at the Elm Street Conference Center, 1730 East Elm Street, Lower Level, Bennett Springs Conference Room, Jefferson City, Missouri. Opportunity to be heard at the hearing shall be afforded any interested person. Interested persons, whether or not heard, may submit a statement of their views until 5:00 p.m., February 7, 2017. Send online rule comments via the proposed rules webpage at [www.dnr.mo.gov/proposed-rules](http://www.dnr.mo.gov/proposed-rules), email rule comments to [apcprulespn@dnr.mo.gov](mailto:apcprulespn@dnr.mo.gov), or email plan comments via the program website noted above. Written comments on both rules and plans can also be sent to Chief, Air Quality Planning Section, Air Pollution Control Program, PO Box 176, Jefferson City, MO 65102-0176.

**Title 10—DEPARTMENT OF NATURAL RESOURCES  
Division 10—Air Conservation Commission  
Chapter 6—Air Quality Standards, Definitions, Sampling  
and Reference Methods and Air Pollution Control  
Regulations for the Entire State of Missouri**

**PROPOSED AMENDMENT**

**10 CSR 10-6.075 Maximum Achievable Control Technology Regulations.** The commission proposes to amend the rule purpose and sections (1) through (5). If the commission adopts this rule action, the department intends to advise the U.S. Environmental Protection Agency that we will accept delegation of enforcement authority for these federal regulations. The evidence supporting the need for this proposed rulemaking is available for viewing at the Missouri Department of Natural Resources' Air Pollution Control Program at the address listed in the Notice of Public Hearing at the end of this rule. More information concerning this rulemaking can be found at the Missouri Department of Natural Resources' Environmental Regulatory Agenda website, [www.dnr.mo.gov/proposed-rules](http://www.dnr.mo.gov/proposed-rules).

*PURPOSE:* This amendment incorporates by reference new emission standards, updates, and clarifications to federal rule 40 CFR 63 that were promulgated from January 1, 2013, through December 31, 2015. It also clarifies the rule purpose, removes unnecessary rule language, clarifies much of the remaining rule language, presents the list of incorporated federal subparts in a more user-friendly format, and adds language clarifying which agency is the primary enforce-

ment agency. The evidence supporting the need for this proposed rulemaking, per 536.016, RSMo, is elements of the state/EPA work plan and Title V Operating Permit Program requirements.

*PURPOSE:* [This rule establishes emission control technology, performance criteria, and work practices to achieve emission standards for sources that emit or have the potential to emit hazardous air pollutants.] This rule incorporates by reference the maximum achievable control technology regulations in 40 CFR 63, providing the Missouri Department of Natural Resources the authority to implement and enforce these U.S. Environmental Protection Agency regulations. Since EPA enforces some subparts of 40 CFR 63 within Missouri, this rule also specifies whether EPA or the department is the enforcing authority for each subpart.

(1) Applicability. This rule applies to sources subject to 40 CFR 63 subparts incorporated by reference in subsection (3)(A) of this rule.

[(A) The provisions of 40 CFR 63 promulgated as of June 30, 2012, and Federal Register Notices 77 FR 45967, 77 FR 49490, 77 FR 55698, 77 FR 58220, 77 FR 65135, and 77 FR 75740 promulgated from July 1, 2012, through December 31, 2012, shall apply and are hereby incorporated by reference in this rule, as published by the Office of the Federal Register, U.S. National Archives and Records, 700 Pennsylvania Avenue NW, Washington, DC 20408. This rule does not incorporate any subsequent amendments or additions.

(B) Exceptions to subsection (1)(A) of this rule are as follows:

1. Sections 63.13 and 63.15(a)(2) of subpart A; and
2. Those provisions which are not delegable by the United States Environmental Protection Agency (EPA).

(C) In addition to complying with the provisions of this rule, affected sources may be required to obtain an operating permit pursuant to Title V of the Clean Air Act Amendments or 10 CSR 10-6.065.

(D) Where emission limitations, test procedures, or other requirements found in both subsection (1)(A) of this rule and in another rule under Title 10 Division 10 of the Code of State Regulations are applicable to an emission source, the more restrictive rule requirement shall be applied.]

(2) Definitions. Certain terms used in 40 CFR [part] 63 refer to federal officers, agencies, and publications. [The following terms applicable to Missouri shall be substituted where appropriate for the delegable federal counterparts] The following terms must be substituted when applicable to Missouri where appropriate for the federal counterparts:

- (A) Director [shall be] is substituted for Administrator;
- (B) Missouri Department of Natural Resources [shall be] is substituted for EPA, EPA Regional Office, or Environmental Protection Agency; and
- (C) Missouri Register [shall be] is substituted for Federal Register.

(3) General Provisions. [The following Maximum Achievable Control Technology (MACT) 40 CFR 63 subparts adopted by reference in subsection (1)(A) of this rule are listed below by individual source operations or installations in these categories and subject to this rule as specified in the applicable subpart:

- | Subpart | Title                                                                                                                       |
|---------|-----------------------------------------------------------------------------------------------------------------------------|
| (F)     | National Emission Standards for Organic Hazardous Air Pollutants From the Synthetic Organic Chemical Manufacturing Industry |
| (G)     | National Emission Standards for Organic Hazardous Air Pollutants From the Synthetic Organic Chemical                        |

*Manufacturing Industry for Process Vents, Storage Vessels, Transfer Operations, and Wastewater*

*(H) National Emission Standards for Organic Hazardous Air Pollutants for Equipment Leaks*

*(I) National Emission Standards for Organic Hazardous Air Pollutants for Certain Processes Subject to the Negotiated Regulation for Equipment Leaks*

*(L) National Emission Standards for Coke Oven Batteries*

*(M) National Perchloroethylene Air Emission Standards for Dry Cleaning Facilities*

*(N) National Emission Standards for Chromium Emissions From Hard and Decorative Chromium Electroplating and Chromium Anodizing Tanks*

*(O) Ethylene Oxide Emissions Standards for Sterilization Facilities*

*(Q) National Emission Standards for Hazardous Air Pollutants for Industrial Process Cooling Towers*

*(R) National Emission Standards for Gasoline Distribution Facilities (Bulk Gasoline Terminals and Pipeline Breakout Stations)*

*(S) National Emission Standards for Hazardous Air Pollutants from the Pulp and Paper Industry*

*(T) National Emission Standards for Halogenated Solvent Cleaning*

*(U) National Emission Standards for Hazardous Air Pollutant Emissions: Group I Polymers and Resins*

*(W) National Emission Standards for Hazardous Air Pollutants for Epoxy Resins Production and Non-Nylon Polyamides Production*

*(X) National Emission Standards for Hazardous Air Pollutants From Secondary Lead Smelting*

*(Y) National Emission Standards for Marine Tank Vessel Loading Operations*

*(AA) National Emission Standards for Hazardous Air Pollutants From Phosphoric Acid Manufacturing Plants*

*(BB) National Emission Standards for Hazardous Air Pollutants From Phosphate Fertilizers Production Plants*

*(CC) National Emission Standards for Hazardous Air Pollutants From Petroleum Refineries*

*(DD) National Emission Standards for Hazardous Air Pollutants from Off-Site Waste and Recovery Operations*

*(EE) National Emission Standards for Magnetic Tape Manufacturing Operations*

*(GG) National Emission Standards for Aerospace Manufacturing and Rework Facilities*

*(HH) National Emission Standards for Hazardous Air Pollutants From Oil and Natural Gas Production Facilities*

*(II) National Emission Standards for Shipbuilding & Ship Repair (Surface Coating)*

*(JJ) National Emission Standards for Wood Furniture Manufacturing Operations*

*(KK) National Emission Standards for the Printing and Publishing Industry*

*(LL) National Emission Standards for Hazardous Air Pollutants for Primary Aluminum Reduction Plants*

*(MM) National Emission Standards for Hazardous Air Pollutants for Chemical Recovery Combustion Sources at Kraft, Soda, Sulfite, and Stand-Alone Semichemical Pulp Mills*

*(OO) National Emission Standards for Tanks—Level 1*

*(PP) National Emission Standards for Containers*

*(QQ) National Emission Standards for Surface Impoundments*

*(RR) National Emission Standards for Individual Drain Systems*

*(SS) National Emission Standards for Closed Vent Systems, Control Devices, Recovery Devices and Routing to a Fuel Gas System or a Process*

*(TT) National Emission Standards for Equipment Leaks—Control Level 1*

*(UU) National Emission Standards for Equipment Leaks—Control Level 2 Standards*

*(VV) National Emission Standards for Oil-Water Separators and Organic-Water Separators*

*(WW) National Emission Standards for Storage Vessels (Tanks)—Control Level 2*

*(XX) National Emission Standards for Ethylene Manufacturing Process Units: Heat Exchange Systems and Waste Operations*

*(YY) National Emission Standards for Hazardous Air Pollutants for Source Categories: Generic Maximum Achievable Control Technology Standards*

*(CCC) National Emission Standards for Hazardous Air Pollutants for Steel Pickling—HCl Process Facilities and Hydrochloric Acid Regeneration Plants*

*(DDD) National Emission Standards for Hazardous Air Pollutants for Mineral Wool Production*

*(EEE) National Emission Standards for Hazardous Air Pollutants from Hazardous Waste Combustors*

*(GGG) National Emission Standards for Pharmaceuticals Production*

*(HHH) National Emission Standards for Hazardous Air Pollutants From Natural Gas Transmission and Storage Facilities*

*(III) National Emission Standards for Hazardous Air Pollutants for Flexible Polyurethane Foam Production*

*(JJJ) National Emission Standards for Hazardous Air Pollutant Emissions: Group IV Polymers and Resins*

*(LLL) National Emission Standards for Hazardous Air Pollutants From the Portland Cement Manufacturing Industry*

*(MMM) National Emission Standards for Hazardous Air Pollutants for Pesticide Active Ingredient Production*

*(NNN) National Emission Standards for Hazardous Air Pollutants for Wool Fiberglass Manufacturing*

*(OOO) National Emission Standards for Hazardous Air Pollutant Emissions: Manufacture of Amino/Phenolic Resins*

*(PPP) National Emission Standards for Hazardous Air Pollutant Emissions for Polyether Polyols Production*

*(QQQ) National Emission Standards for Hazardous Air Pollutant Emissions for Primary Copper Smelting*

*(RRR) National Emission Standards for Hazardous Air Pollutants: Secondary Aluminum Production*

*(TTT) National Emission Standards for Hazardous Air Pollutants for Primary Lead Smelting*

*(UUU) National Emission Standards for Hazardous Air Pollutants for Petroleum Refineries: Catalytic Cracking Units, Catalytic Reforming Units, and Sulfur Recovery Units*

*(VVV) National Emission Standards for Hazardous Air Pollutants: Publicly Owned Treatment Works*

*(XXX) National Emission Standards for Hazardous Air Pollutants for Ferroalloys Production: Ferromanganese and Silicomanganese*

*(AAAA) National Emission Standards for Hazardous Air Pollutants: Municipal Solid Waste Landfills*

*(CCCC) National Emission Standards for Hazardous Air Pollutants: Manufacturing of Nutritional Yeast*

*(DDDD) National Emission Standards for Hazardous Air Pollutants: Plywood and Composite Wood Products*

*(EEEE) National Emission Standards for Hazardous Air Pollutants: Organic Liquids Distribution (Non-Gasoline)*

*(FFFF) National Emission Standards for Hazardous Air Pollutants: Miscellaneous Organic Chemical Manufacturing*

*(GGGG) National Emission Standards for Hazardous Air Pollutants: Solvent Extraction for Vegetable Oil Production*

*(HHHH) National Emission Standards for Hazardous Air Pollutants for Wet-Formed Fiberglass Mat Production*



(IIII) National Emission Standards for Hazardous Air Pollutants: Surface Coating of Automobiles and Light Duty Trucks

(JJJJ) National Emission Standards for Hazardous Air Pollutants: Paper and Other Web Coating

(KKKK) National Emission Standards for Hazardous Air Pollutants: Surface Coating of Metal Cans

(MMMM) National Emission Standards for Hazardous Air Pollutants for Surface Coating of Miscellaneous Metal Parts and Products

(NNNN) National Emission Standards for Hazardous Air Pollutants: Surface Coating of Large Appliances

(OOOO) National Emission Standards for Hazardous Air Pollutants: Printing, Coating, and Dyeing of Fabrics and Other Textiles

(PPPP) National Emission Standards for Hazardous Air Pollutants for Surface Coating of Plastic Parts and Products

(QQQQ) National Emission Standards for Hazardous Air Pollutants: Surface Coating of Wood Building Products

(RRRR) National Emission Standards for Hazardous Air Pollutants: Surface Coating of Metal Furniture

(SSSS) National Emission Standards for Hazardous Air Pollutants: Surface Coating of Metal Coil

(TTTT) National Emission Standards for Hazardous Air Pollutants for Leather Finishing Operations

(UUUU) National Emission Standards for Hazardous Air Pollutants for Cellulose Products Manufacturing

(VVVV) National Emission Standards for Hazardous Air Pollutants for Boat Manufacturing

(WWWW) National Emission Standards for Hazardous Air Pollutants: Reinforced Plastic Composites Production

(XXXX) National Emission Standards for Hazardous Air Pollutants: Rubber Tire Manufacturing

(YYYY) National Emission Standards for Hazardous Air Pollutants for Stationary Combustion Turbines

(ZZZZ) National Emission Standards for Hazardous Air Pollutants for Stationary Reciprocating Internal Combustion Engines

(AAAAA) National Emission Standards for Hazardous Air Pollutants for Lime Manufacturing Plants

(BBBBB) National Emission Standards for Hazardous Air Pollutants for Semiconductor Manufacturing

(CCCCC) National Emission Standards for Hazardous Air Pollutants for Coke Ovens: Pushing, Quenching, and Battery Stacks

(DDDDD) National Emission Standards for Hazardous Air Pollutants for Major Sources: Industrial, Commercial, and Institutional Boilers and Process Heaters

(EEEEE) National Emission Standards for Hazardous Air Pollutants for Iron and Steel Foundries

(FFFFF) National Emission Standards for Hazardous Air Pollutants for Integrated Iron and Steel Manufacturing Facilities

(GGGGG) National Emission Standards for Hazardous Air Pollutants: Site Remediation

(HHHHH) National Emission Standards for Hazardous Air Pollutants: Miscellaneous Coating Manufacturing

(IIIII) National Emission Standards for Hazardous Air Pollutants: Mercury Emissions From Mercury Cell Chlor-Alkali Plants

(LLLLL) National Emission Standards for Hazardous Air Pollutants: Asphalt Processing and Asphalt Roofing Manufacturing

(MMMMM) National Emission Standards for Hazardous Air Pollutants: Flexible Polyurethane Foam Fabrication Operations

(NNNNN) National Emission Standards for Hazardous Air Pollutants: Hydrochloric Acid Production

(PPPPP) National Emission Standards for Hazardous Air Pollutants for Engine Test Cells/Stands

(QQQQQ) National Emission Standards for Hazardous Air Pollutants for Friction Materials Manufacturing Facilities

(RRRRR) National Emission Standards for Hazardous Air Pollutants: Taconite Iron Ore Processing

(SSSSS) National Emissions Standards for Hazardous Air Pollutants for Refractory Products Manufacturing

(TTTTT) National Emissions Standards for Hazardous Air Pollutants for Primary Magnesium Refining

(UUUUU) National Emission Standards for Hazardous Air Pollutants: Coal- and Oil-Fired Electric Utility Steam Generating Units

(WWWWW) National Emission Standards for Hospital Ethylene Oxide Sterilizers

(YYYYY) National Emission Standards for Hazardous Air Pollutants for Area Sources: Electric Arc Furnace Steelmaking Facilities

(ZZZZZ) National Emission Standards for Hazardous Air Pollutants for Iron and Steel Foundries Area Sources

(BBBBBB) National Emission Standards for Hazardous Air Pollutants for Source Category: Gasoline Distribution Bulk Terminals, Bulk Plants, and Pipeline Facilities

(CCCCCC) National Emission Standards for Hazardous Air Pollutants for Source Category: Gasoline Dispensing Facilities

(DDDDDD) National Emission Standards for Hazardous Air Pollutants for Polyvinyl Chloride and Copolymers Production Area Sources

(EEEEEE) National Emission Standards for Hazardous Air Pollutants for Primary Copper Smelting Area Sources

(FFFFFF) National Emission Standards for Hazardous Air Pollutants for Secondary Copper Smelting Area Sources

(GGGGGG) National Emission Standards for Hazardous Air Pollutants for Primary Nonferrous Metals Area Sources—Zinc, Cadmium, and Beryllium

(HHHHHH) National Emission Standards for Hazardous Air Pollutants: Paint Stripping and Miscellaneous Surface Coating Operations at Area Sources

(JJJJJJ) National Emission Standards for Hazardous Air Pollutants for Area Sources: Industrial, Commercial, and Institutional Boilers

(LLLLLL) National Emission Standards for Hazardous Air Pollutants for Acrylic and Modacrylic Fibers Production Area Sources

(MMMMMM) National Emission Standards for Hazardous Air Pollutants for Carbon Black Production Area Sources

(NNNNNN) National Emission Standards for Hazardous Air Pollutants for Chemical Manufacturing Area Sources: Chromium Compounds

(OOOOOO) National Emission Standards for Hazardous Air Pollutants for Flexible Polyurethane Foam Production and Fabrication Area Sources

(PPPPPP) National Emission Standards for Hazardous Air Pollutants for Lead Acid Battery Manufacturing Area Sources

(QQQQQQ) National Emission Standards for Hazardous Air Pollutants for Wood Preserving Area Sources

(RRRRRR) National Emission Standards for Hazardous Air Pollutants for Clay Ceramics Manufacturing Area Sources

(SSSSSS) National Emission Standards for Hazardous Air Pollutants for Glass Manufacturing Area Sources

(TTTTTT) National Emission Standards for Hazardous Air Pollutants for Secondary Nonferrous Metals Processing Area Sources

(VVVVVV) National Emission Standards for Hazardous Air Pollutants for Chemical Manufacturing Area Sources

(WWWWWW) National Emission Standards for Hazardous Air Pollutants: Area Source Standards for Plating and

*Polishing Operations*

*(XXXXXX) National Emission Standards for Hazardous Air Pollutants Area Source Standards for Nine Metal Fabrication and Finishing Source Categories*

*(YYYYYY) National Emission Standards for Hazardous Air Pollutants for Area Sources: Ferroalloys Production Facilities*

*(ZZZZZZ) National Emission Standards for Hazardous Air Pollutants: Area Source Standards for Aluminum, Copper, and Other Nonferrous Foundries*

*(AAAAAAA) National Emission Standards for Hazardous Air Pollutants for Area Sources: Asphalt Processing and Asphalt Roofing Manufacturing*

*(BBBBBBB) National Emission Standards for Hazardous Air Pollutants for Area Sources: Chemical Preparations Industry*

*(CCCCCCC) National Emission Standards for Hazardous Air Pollutants for Area Sources: Paints and Allied Products Manufacturing*

*(DDDDDDD) National Emission Standards for Hazardous Air Pollutants for Area Sources: Prepared Feeds Manufacturing*

*(EEEEEEE) National Emission Standards for Hazardous Air Pollutants: Gold Mine Ore Processing and Production Area Source Category*

*(HHHHHHH) National Emission Standards for Hazardous Air Pollutant Emissions for Polyvinyl Chloride and Copolymers Production]*

**(A) Incorporations by Reference.**

1. The provisions of 40 CFR 63 promulgated as of July 1, 2015, and *Federal Register* notices 80 FR 44772, 80 FR 45280, 80 FR 50386, 80 FR 54728, 80 FR 56700, 80 FR 62390, 80 FR 65470, 80 FR 72790, 80 FR 75178, 80 FR 75817, and 80 FR 76152 promulgated between July 1, 2015 and December 31, 2015, as published by the Office of the Federal Register, U.S. National Archives and Records, 700 Pennsylvania Avenue NW, Washington, DC 20408, shall apply and are hereby incorporated by reference in this rule. This rule does not incorporate any subsequent amendments or additions.

2. Exceptions to paragraph (3)(A)1. of this rule are—

A. Those provisions which are not delegable by the United States Environmental Protection Agency (EPA); and

B. Sections 63.13 and 63.15(a)(2) of subpart A.

(B) The Missouri Department of Natural Resources (MoDNR) maintains authority for implementation of all standards incorporated by reference in subsection (3)(A) of this rule. The table below lists the subparts of 40 CFR 63 incorporated by reference in subsection (3)(A) of this rule, including the primary agency responsible for enforcement of the standard:

Subpart	Title	Primary Regulating Agency
F	National Emission Standards for Organic Hazardous Air Pollutants From the Synthetic Organic Chemical Manufacturing Industry	MoDNR
G	National Emission Standards for Organic Hazardous Air Pollutants From the Synthetic Organic Chemical Manufacturing Industry for Process Vents, Storage Vessels, Transfer Operations, and Wastewater	MoDNR
H	National Emission Standards for Organic Hazardous Air Pollutants for Equipment Leaks	MoDNR
I	National Emission Standards for Organic Hazardous Air Pollutants for Certain Processes Subject to the Negotiated Regulation for Equipment Leaks	MoDNR
L	National Emission Standards for Coke Oven Batteries	MoDNR
M	National Perchloroethylene Air Emission Standards for Dry Cleaning Facilities	MoDNR
N	National Emission Standards for Chromium Emissions From Hard and Decorative Chromium Electroplating and Chromium Anodizing Tanks	MoDNR
O	Ethylene Oxide Emissions Standards for Sterilization Facilities	MoDNR
Q	National Emission Standards for Hazardous Air Pollutants for Industrial Process Cooling Towers	MoDNR
R	National Emission Standards for Gasoline Distribution Facilities (Bulk Gasoline Terminals and Pipeline Breakout Stations)	MoDNR
S	National Emission Standards for Hazardous Air Pollutants from the Pulp and Paper Industry	MoDNR
T	National Emission Standards for Halogenated Solvent Cleaning	MoDNR
U	National Emission Standards for Hazardous Air Pollutant Emissions: Group I Polymers and Resins	MoDNR
W	National Emission Standards for Hazardous Air Pollutants for Epoxy Resins Production and Non-Nylon Polyamides Production	MoDNR
X	National Emission Standards for Hazardous Air Pollutants From Secondary Lead Smelting	MoDNR
Y	National Emission Standards for Marine Tank Vessel Loading Operations	MoDNR
AA	National Emission Standards for Hazardous Air Pollutants From Phosphoric Acid Manufacturing Plants	MoDNR
BB	National Emission Standards for Hazardous Air Pollutants From Phosphate Fertilizers Production Plants	MoDNR
CC	National Emission Standards for Hazardous Air Pollutants From Petroleum Refineries	MoDNR
DD	National Emission Standards for Hazardous Air Pollutants from Off-Site Waste and Recovery Operations	MoDNR
EE	National Emission Standards for Magnetic Tape Manufacturing Operations	MoDNR

<b>GG</b>	<b>National Emission Standards for Aerospace Manufacturing and Rework Facilities</b>	<b>MoDNR</b>
<b>HH</b>	<b>National Emission Standards for Hazardous Air Pollutants From Oil and Natural Gas Production Facilities</b>	<b>MoDNR</b>
<b>II</b>	<b>National Emission Standards for Shipbuilding &amp; Ship Repair (Surface Coating)</b>	<b>MoDNR</b>
<b>JJ</b>	<b>National Emission Standards for Wood Furniture Manufacturing Operations</b>	<b>MoDNR</b>
<b>KK</b>	<b>National Emission Standards for the Printing and Publishing Industry</b>	<b>MoDNR</b>
<b>LL</b>	<b>National Emission Standards for Hazardous Air Pollutants for Primary Aluminum Reduction Plants</b>	<b>MoDNR</b>
<b>MM</b>	<b>National Emission Standards for Hazardous Air Pollutants for Chemical Recovery Combustion Sources at Kraft, Soda, Sulfite, and Stand-Alone Semichemical Pulp Mills</b>	<b>MoDNR</b>
<b>NN</b>	<b>National Emission Standards for Hazardous Air Pollutants for Wool Fiberglass Manufacturing at Area Sources</b>	<b>EPA</b>
<b>OO</b>	<b>National Emission Standards for Tanks—Level 1</b>	<b>MoDNR</b>
<b>PP</b>	<b>National Emission Standards for Containers</b>	<b>MoDNR</b>
<b>QQ</b>	<b>National Emission Standards for Surface Impoundments</b>	<b>MoDNR</b>
<b>RR</b>	<b>National Emission Standards for Individual Drain Systems</b>	<b>MoDNR</b>
<b>SS</b>	<b>National Emission Standards for Closed Vent Systems, Control Devices, Recovery Devices and Routing to a Fuel Gas System or a Process</b>	<b>MoDNR</b>
<b>TT</b>	<b>National Emission Standards for Equipment Leaks—Control Level 1</b>	<b>MoDNR</b>
<b>UU</b>	<b>National Emission Standards for Equipment Leaks—Control Level 2 Standards</b>	<b>MoDNR</b>
<b>VV</b>	<b>National Emission Standards for Oil-Water Separators and Organic-Water Separators</b>	<b>MoDNR</b>
<b>WW</b>	<b>National Emission Standards for Storage Vessels (Tanks)—Control Level 2</b>	<b>MoDNR</b>
<b>XX</b>	<b>National Emission Standards for Ethylene Manufacturing Process Units: Heat Exchange Systems and Waste Operations</b>	<b>MoDNR</b>
<b>YY</b>	<b>National Emission Standards for Hazardous Air Pollutants for Source Categories: Generic Maximum Achievable Control Technology Standards</b>	<b>MoDNR</b>
<b>CCC</b>	<b>National Emission Standards for Hazardous Air Pollutants for Steel Pickling—HCl Process Facilities and Hydrochloric Acid Regeneration Plants</b>	<b>MoDNR</b>
<b>DDD</b>	<b>National Emission Standards for Hazardous Air Pollutants for Mineral Wool Production</b>	<b>MoDNR</b>
<b>EEE</b>	<b>National Emission Standards for Hazardous Air Pollutants from Hazardous Waste Combustors</b>	<b>MoDNR</b>
<b>GGG</b>	<b>National Emission Standards for Pharmaceuticals Production</b>	<b>MoDNR</b>
<b>HHH</b>	<b>National Emission Standards for Hazardous Air Pollutants From Natural Gas Transmission and Storage Facilities</b>	<b>MoDNR</b>

<b>III</b>	<b>National Emission Standards for Hazardous Air Pollutants for Flexible Polyurethane Foam Production</b>	<b>MoDNR</b>
<b>JJJ</b>	<b>National Emission Standards for Hazardous Air Pollutant Emissions: Group IV Polymers and Resins</b>	<b>MoDNR</b>
<b>LLL</b>	<b>National Emission Standards for Hazardous Air Pollutants From the Portland Cement Manufacturing Industry</b>	<b>MoDNR</b>
<b>MMM</b>	<b>National Emission Standards for Hazardous Air Pollutants for Pesticide Active Ingredient Production</b>	<b>MoDNR</b>
<b>NNN</b>	<b>National Emission Standards for Hazardous Air Pollutants for Wool Fiberglass Manufacturing</b>	<b>MoDNR</b>
<b>OOO</b>	<b>National Emission Standards for Hazardous Air Pollutant Emissions: Manufacture of Amino/Phenolic Resins</b>	<b>MoDNR</b>
<b>PPP</b>	<b>National Emission Standards for Hazardous Air Pollutant Emissions for Polyether Polyols Production</b>	<b>MoDNR</b>
<b>QQQ</b>	<b>National Emission Standards for Hazardous Air Pollutant Emissions for Primary Copper Smelting</b>	<b>MoDNR</b>
<b>RRR</b>	<b>National Emission Standards for Hazardous Air Pollutants: Secondary Aluminum Production</b>	<b>MoDNR</b>
<b>TTT</b>	<b>National Emission Standards for Hazardous Air Pollutants for Primary Lead Smelting</b>	<b>MoDNR</b>
<b>UUU</b>	<b>National Emission Standards for Hazardous Air Pollutants for Petroleum Refineries: Catalytic Cracking Units, Catalytic Reforming Units, and Sulfur Recovery Units</b>	<b>MoDNR</b>
<b>VVV</b>	<b>National Emission Standards for Hazardous Air Pollutants: Publicly Owned Treatment Works</b>	<b>MoDNR</b>
<b>XXX</b>	<b>National Emission Standards for Hazardous Air Pollutants for Ferroalloys Production: Ferromanganese and Silicomanganese</b>	<b>MoDNR</b>
<b>AAAA</b>	<b>National Emission Standards for Hazardous Air Pollutants: Municipal Solid Waste Landfills</b>	<b>MoDNR</b>
<b>CCCC</b>	<b>National Emission Standards for Hazardous Air Pollutants: Manufacturing of Nutritional Yeast</b>	<b>MoDNR</b>
<b>DDDD</b>	<b>National Emission Standards for Hazardous Air Pollutants: Plywood and Composite Wood Products</b>	<b>MoDNR</b>
<b>EEEE</b>	<b>National Emission Standards for Hazardous Air Pollutants: Organic Liquids Distribution (Non-Gasoline)</b>	<b>MoDNR</b>
<b>FFFF</b>	<b>National Emission Standards for Hazardous Air Pollutants: Miscellaneous Organic Chemical Manufacturing</b>	<b>MoDNR</b>
<b>GGGG</b>	<b>National Emission Standards for Hazardous Air Pollutants: Solvent Extraction for Vegetable Oil Production</b>	<b>MoDNR</b>
<b>HHHH</b>	<b>National Emission Standards for Hazardous Air Pollutants for Wet-Formed Fiberglass Mat Production</b>	<b>MoDNR</b>
<b>IIII</b>	<b>National Emission Standards for Hazardous Air Pollutants: Surface Coating of Automobiles and Light Duty Trucks</b>	<b>MoDNR</b>

<b>JJJJ</b>	<b>National Emission Standards for Hazardous Air Pollutants: Paper and Other Web Coating</b>	<b>MoDNR</b>
<b>KKKK</b>	<b>National Emission Standards for Hazardous Air Pollutants: Surface Coating of Metal Cans</b>	<b>MoDNR</b>
<b>MMMM</b>	<b>National Emission Standards for Hazardous Air Pollutants for Surface Coating of Miscellaneous Metal Parts and Products</b>	<b>MoDNR</b>
<b>NNNN</b>	<b>National Emission Standards for Hazardous Air Pollutants: Surface Coating of Large Appliances</b>	<b>MoDNR</b>
<b>OOOO</b>	<b>National Emission Standards for Hazardous Air Pollutants: Printing, Coating, and Dyeing of Fabrics and Other Textiles</b>	<b>MoDNR</b>
<b>PPPP</b>	<b>National Emission Standards for Hazardous Air Pollutants for Surface Coating of Plastic Parts and Products</b>	<b>MoDNR</b>
<b>QQQQ</b>	<b>National Emission Standards for Hazardous Air Pollutants: Surface Coating of Wood Building Products</b>	<b>MoDNR</b>
<b>RRRR</b>	<b>National Emission Standards for Hazardous Air Pollutants: Surface Coating of Metal Furniture</b>	<b>MoDNR</b>
<b>SSSS</b>	<b>National Emission Standards for Hazardous Air Pollutants: Surface Coating of Metal Coil</b>	<b>MoDNR</b>
<b>TTTT</b>	<b>National Emission Standards for Hazardous Air Pollutants for Leather Finishing Operations</b>	<b>MoDNR</b>
<b>UUUU</b>	<b>National Emission Standards for Hazardous Air Pollutants for Cellulose Products Manufacturing</b>	<b>MoDNR</b>
<b>VVVV</b>	<b>National Emission Standards for Hazardous Air Pollutants for Boat Manufacturing</b>	<b>MoDNR</b>
<b>WWWW</b>	<b>National Emission Standards for Hazardous Air Pollutants: Reinforced Plastic Composites Production</b>	<b>MoDNR</b>
<b>XXXX</b>	<b>National Emission Standards for Hazardous Air Pollutants: Rubber Tire Manufacturing</b>	<b>MoDNR</b>
<b>YYYY</b>	<b>National Emission Standards for Hazardous Air Pollutants for Stationary Combustion Turbines</b>	<b>MoDNR</b>
<b>ZZZZ</b>	<b>National Emission Standards for Hazardous Air Pollutants for Stationary Reciprocating Internal Combustion Engines</b>	<b>EPA (Area Sources) MoDNR (Major Sources)</b>
<b>AAAAA</b>	<b>National Emission Standards for Hazardous Air Pollutants for Lime Manufacturing Plants</b>	<b>MoDNR</b>
<b>BBBBB</b>	<b>National Emission Standards for Hazardous Air Pollutants for Semiconductor Manufacturing</b>	<b>MoDNR</b>
<b>CCCCC</b>	<b>National Emission Standards for Hazardous Air Pollutants for Coke Ovens: Pushing, Quenching, and Battery Stacks</b>	<b>MoDNR</b>
<b>DDDDD</b>	<b>National Emission Standards for Hazardous Air Pollutants for Major Sources: Industrial, Commercial, and Institutional Boilers and Process Heaters</b>	<b>MoDNR</b>
<b>EEEEE</b>	<b>National Emission Standards for Hazardous Air Pollutants for Iron and Steel Foundries</b>	<b>MoDNR</b>
<b>FFFFF</b>	<b>National Emission Standards for Hazardous Air Pollutants for Integrated Iron and Steel Manufacturing Facilities</b>	<b>MoDNR</b>

<b>GGGGG</b>	<b>National Emission Standards for Hazardous Air Pollutants: Site Remediation</b>	<b>MoDNR</b>
<b>HHHHH</b>	<b>National Emission Standards for Hazardous Air Pollutants: Miscellaneous Coating Manufacturing</b>	<b>MoDNR</b>
<b>IIIII</b>	<b>National Emission Standards for Hazardous Air Pollutants: Mercury Emissions From Mercury Cell Chlor-Alkali Plants</b>	<b>MoDNR</b>
<b>JJJJJ</b>	<b>National Emission Standards for Hazardous Air Pollutants for Brick and Structural Clay Products Manufacturing</b>	<b>MoDNR</b>
<b>KKKKK</b>	<b>National Emission Standards for Hazardous Air Pollutants for Clay Ceramics Manufacturing</b>	<b>MoDNR</b>
<b>LLLLL</b>	<b>National Emission Standards for Hazardous Air Pollutants: Asphalt Processing and Asphalt Roofing Manufacturing</b>	<b>MoDNR</b>
<b>MMMMM</b>	<b>National Emission Standards for Hazardous Air Pollutants: Flexible Polyurethane Foam Fabrication Operations</b>	<b>MoDNR</b>
<b>NNNNN</b>	<b>National Emission Standards for Hazardous Air Pollutants: Hydrochloric Acid Production</b>	<b>MoDNR</b>
<b>PPPPP</b>	<b>National Emission Standards for Hazardous Air Pollutants for Engine Test Cells/Standards</b>	<b>MoDNR</b>
<b>QQQQQ</b>	<b>National Emission Standards for Hazardous Air Pollutants for Friction Materials Manufacturing Facilities</b>	<b>MoDNR</b>
<b>RRRRR</b>	<b>National Emission Standards for Hazardous Air Pollutants: Taconite Iron Ore Processing</b>	<b>MoDNR</b>
<b>SSSSS</b>	<b>National Emissions Standards for Hazardous Air Pollutants for Refractory Products Manufacturing</b>	<b>MoDNR</b>
<b>TTTTT</b>	<b>National Emissions Standards for Hazardous Air Pollutants for Primary Magnesium Refining</b>	<b>MoDNR</b>
<b>UUUUU</b>	<b>National Emission Standards for Hazardous Air Pollutants: Coal- and Oil-Fired Electric Utility Steam Generating Units</b>	<b>MoDNR</b>
<b>WWWWW</b>	<b>National Emission Standards for Hospital Ethylene Oxide Sterilizers</b>	<b>EPA</b>
<b>YYYYY</b>	<b>National Emission Standards for Hazardous Air Pollutants for Area Sources: Electric Arc Furnace Steelmaking Facilities</b>	<b>EPA</b>
<b>ZZZZZ</b>	<b>National Emission Standards for Hazardous Air Pollutants for Iron and Steel Foundries Area Sources</b>	<b>EPA</b>
<b>BBBBBB</b>	<b>National Emission Standards for Hazardous Air Pollutants for Source Category: Gasoline Distribution Bulk Terminals, Bulk Plants, and Pipeline Facilities</b>	<b>EPA</b>
<b>CCCCCC</b>	<b>National Emission Standards for Hazardous Air Pollutants for Source Category: Gasoline Dispensing Facilities</b>	<b>EPA</b>
<b>DDDDDD</b>	<b>National Emission Standards for Hazardous Air Pollutants for Polyvinyl Chloride and Copolymers Production Area Sources</b>	<b>EPA</b>
<b>EEEEEE</b>	<b>National Emission Standards for Hazardous Air Pollutants for Primary Copper Smelting Area Sources</b>	<b>EPA</b>
<b>FFFFFF</b>	<b>National Emission Standards for Hazardous Air Pollutants for Secondary Copper Smelting Area Sources</b>	<b>EPA</b>

<b>GGGGGG</b>	<b>National Emission Standards for Hazardous Air Pollutants for Primary Nonferrous Metals Area Sources—Zinc, Cadmium, and Beryllium</b>	<b>EPA</b>
<b>HHHHHH</b>	<b>National Emission Standards for Hazardous Air Pollutants: Paint Stripping and Miscellaneous Surface Coating Operations at Area Sources</b>	<b>EPA</b>
<b>JJJJJJ</b>	<b>National Emission Standards for Hazardous Air Pollutants for Industrial, Commercial, and Institutional Boilers Area Sources</b>	<b>EPA</b>
<b>LLLLLL</b>	<b>National Emission Standards for Hazardous Air Pollutants for Acrylic and Modacrylic Fibers Production Area Sources</b>	<b>EPA</b>
<b>MMMMMM</b>	<b>National Emission Standards for Hazardous Air Pollutants for Carbon Black Production Area Sources</b>	<b>EPA</b>
<b>NNNNNN</b>	<b>National Emission Standards for Hazardous Air Pollutants for Chemical Manufacturing Area Sources: Chromium Compounds</b>	<b>EPA</b>
<b>OOOOOO</b>	<b>National Emission Standards for Hazardous Air Pollutants for Flexible Polyurethane Foam Production and Fabrication Area Sources</b>	<b>EPA</b>
<b>PPPPPP</b>	<b>National Emission Standards for Hazardous Air Pollutants for Lead Acid Battery Manufacturing Area Sources</b>	<b>EPA</b>
<b>QQQQQQ</b>	<b>National Emission Standards for Hazardous Air Pollutants for Wood Preserving Area Sources</b>	<b>EPA</b>
<b>RRRRRR</b>	<b>National Emission Standards for Hazardous Air Pollutants for Clay Ceramics Manufacturing Area Sources</b>	<b>EPA</b>
<b>SSSSSS</b>	<b>National Emission Standards for Hazardous Air Pollutants for Glass Manufacturing Area Sources</b>	<b>EPA</b>
<b>TTTTTT</b>	<b>National Emission Standards for Hazardous Air Pollutants for Secondary Nonferrous Metals Processing Area Sources</b>	<b>EPA</b>
<b>VVVVVV</b>	<b>National Emission Standards for Hazardous Air Pollutants for Chemical Manufacturing Area Sources</b>	<b>EPA</b>
<b>WWWWWW</b>	<b>National Emission Standards for Hazardous Air Pollutants: Area Source Standards for Plating and Polishing Operations</b>	<b>EPA</b>
<b>XXXXXX</b>	<b>National Emission Standards for Hazardous Air Pollutants Area Source Standards for Nine Metal Fabrication and Finishing Source Categories</b>	<b>EPA</b>
<b>YYYYYY</b>	<b>National Emission Standards for Hazardous Air Pollutants for Area Sources: Ferroalloys Production Facilities</b>	<b>EPA</b>
<b>ZZZZZZ</b>	<b>National Emission Standards for Hazardous Air Pollutants: Area Source Standards for Aluminum, Copper, and Other Nonferrous Foundries</b>	<b>EPA</b>
<b>AAAAAAA</b>	<b>National Emission Standards for Hazardous Air Pollutants for Area Sources: Asphalt Processing and Asphalt Roofing Manufacturing</b>	<b>EPA</b>
<b>BBBBBBB</b>	<b>National Emission Standards for Hazardous Air Pollutants for Area Sources: Chemical Preparations Industry</b>	<b>EPA</b>
<b>CCCCCCC</b>	<b>National Emission Standards for Hazardous Air Pollutants for Area Sources: Paints and Allied Products Manufacturing</b>	<b>EPA</b>



DDDDDD	National Emission Standards for Hazardous Air Pollutants for Area Sources: Prepared Feeds Manufacturing	EPA
EEEEEE	National Emission Standards for Hazardous Air Pollutants: Gold Mine Ore Processing and Production Area Source Category	EPA
HHHHHH	National Emission Standards for Hazardous Air Pollutant Emissions for Polyvinyl Chloride and Copolymers Production	MoDNR

(4) Reporting. Reporting requirements are specified in each federal regulation [adopted] incorporated by reference.

(5) Test Methods. Test methods are specified in each federal regulation [adopted] incorporated by reference.

*AUTHORITY:* section 643.050, RSMo Supp. 2013. Original rule filed May 1, 1996, effective Dec. 30, 1996. For intervening history, please consult the *Code of State Regulations*. Amended: Filed Oct. 7, 2016.

*PUBLIC COST:* This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

*PRIVATE COST:* This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate. The private entity fiscal cost impacts for compliance with the federal standards are accounted for in the federal rulemakings.

*NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS:* A public hearing on this proposed amendment will begin at 9:00 a.m., January 31, 2017. The public hearing will be held at the Elm Street Conference Center, 1730 East Elm Street, Lower Level, Bennett Springs Conference Room, Jefferson City, Missouri. Opportunity to be heard at the hearing shall be afforded any interested person. Interested persons, whether or not heard, may submit a statement of their views until 5:00 p.m., February 7, 2017. Send online rule comments via the proposed rules webpage at [www.dnr.mo.gov/proposed-rules](http://www.dnr.mo.gov/proposed-rules), email rule comments to [apcprulespn@dnr.mo.gov](mailto:apcprulespn@dnr.mo.gov), or email plan comments via the program website noted above. Written comments on both rules and plans can also be sent to Chief, Air Quality Planning Section, Air Pollution Control Program, PO Box 176, Jefferson City, MO 65102-0176.

**Title 10—DEPARTMENT OF NATURAL RESOURCES  
Division 10—Air Conservation Commission  
Chapter 6—Air Quality Standards, Definitions, Sampling  
and Reference Methods and Air Pollution Control  
Regulations for the Entire State of Missouri**

**PROPOSED AMENDMENT**

**10 CSR 10-6.080 Emission Standards for Hazardous Air Pollutants.** The commission proposes to amend the rule purpose and sections (1) through (5). If the commission adopts this rule action, the department intends to advise the U.S. Environmental Protection Agency that we will accept delegation of enforcement authority for these federal regulations. The evidence supporting the need for this proposed rulemaking is available for viewing at the Missouri Department of Natural Resources' Air Pollution Control Program at the address listed in the Notice of Public Hearing at the end of this

rule. More information concerning this rulemaking can be found at the Missouri Department of Natural Resources' Environmental Regulatory Agenda website, [www.dnr.mo.gov/proposed-rules](http://www.dnr.mo.gov/proposed-rules).

*PURPOSE:* This amendment incorporates by reference new emission standards, updates, and clarifications to federal rule 40 CFR 61 that were promulgated from January 1, 2013, through December 31, 2014. It also clarifies the rule purpose, removes unnecessary rule language, clarifies much of the remaining rule language, and presents the list of incorporated federal subparts in a more user-friendly format. The evidence supporting the need for this proposed rulemaking, per 536.016, RSMo, is elements of the state/EPA work plan and Title V Operating Permit Program requirements.

*PURPOSE:* [This rule establishes emission standards and performance criteria for new or modified sources emitting hazardous air pollutants.] This rule incorporates by reference the maximum achievable control technology regulations in 40 CFR 61. This provides the Missouri Department of Natural Resources the authority to implement and enforce these U.S. Environmental Protection Agency regulations.

(1) Applicability. This rule applies to sources subject to 40 CFR 61 subparts incorporated by reference in subsection (3)(A) of this rule.

(A) The provisions of 40 CFR 61 promulgated as of June 30, 2012, shall apply and are hereby incorporated by reference in this rule, as published by the Office of the Federal Register, U.S. National Archives and Records, 700 Pennsylvania Avenue NW, Washington, DC 20408. This rule does not incorporate any subsequent amendments or additions.

(B) Exceptions to subsection (1)(A) of this rule are as follows:

1. Sections 61.04, 61.16, and 61.17 of subpart A;
2. Subparts B, H, I, K, Q, R, T, and W in their entirety; and
3. Those provisions which are not delegable by the United States Environmental Protection Agency (EPA).

(C) In addition to complying with the provisions of this rule, affected sources may be required to obtain an operating permit pursuant to Title V of the Clean Air Act Amendments or 10 CSR 10-6.065.

(D) Where emission limitations, test procedures, or other requirements found in subsection (1)(A) of this rule and in another rule under Title 10 Division 10 of the Code of State Regulations are applicable to an emission source, the more restrictive rule requirements shall be applied.]

(2) Definitions. Certain terms used in 40 CFR [part] 61 refer to federal officers, agencies, and publications. [The following terms applicable to Missouri shall be substituted where appropriate

for the delegable federal counterparts] The following terms must be substituted when applicable to Missouri where appropriate for the federal counterparts:

- (A) Director *[shall be]* is substituted for Administrator;
- (B) Missouri Department of Natural Resources *[shall be]* is substituted for EPA, EPA Regional Office, or Environmental Protection Agency; and
- (C) *Missouri Register [shall be]* is substituted for *Federal Register*.

[(3) The following National Emission Standards for Hazardous Air Pollutants (NESHAPs) 40 CFR part 61 subparts adopted by reference in subsection (1)(A) of this rule are listed below by individual source operations or installations in these categories subject to this rule as specified in the applicable subpart:

- | <i>Subpart</i> | <i>Title</i>                                                                                                                       |
|----------------|------------------------------------------------------------------------------------------------------------------------------------|
| (C)            | <i>National Emission Standard for Beryllium</i>                                                                                    |
| (D)            | <i>National Emission Standard for Beryllium Rocket Motor Firing</i>                                                                |
| (E)            | <i>National Emission Standard for Mercury</i>                                                                                      |
| (F)            | <i>National Emission Standard for Vinyl Chloride</i>                                                                               |
| (J)            | <i>National Emission Standard for Equipment Leaks (Fugitive Emission Sources) of Benzene</i>                                       |
| (L)            | <i>National Emission Standard for Benzene Emissions from Coke By-Product Recovery Plants</i>                                       |
| (M)            | <i>National Emission Standard for Asbestos</i>                                                                                     |
| (N)            | <i>National Emission Standard for Inorganic Arsenic Emissions From Glass Manufacturing Plants</i>                                  |
| (O)            | <i>National Emission Standard for Inorganic Arsenic Emissions From Primary Copper Smelters</i>                                     |
| (P)            | <i>National Emission Standard for Inorganic Arsenic Emissions From Arsenic Trioxide and Metallic Arsenic Production Facilities</i> |
| (V)            | <i>National Emission Standard for Equipment Leaks (Fugitive Emission Sources)</i>                                                  |
| (Y)            | <i>National Emission Standards for Benzene Emissions From Benzene Storage Vessels</i>                                              |
| (BB)           | <i>National Emission Standards for Benzene Emissions From Benzene Transfer Operations</i>                                          |
| (FF)           | <i>National Emission Standard for Benzene Waste Operations]</i>                                                                    |

### (3) General Provisions.

#### (A) Incorporations by Reference.

1. The provisions of 40 CFR 61 promulgated as of July 1, 2015, as published by the Office of the Federal Register, U.S. National Archives and Records, 700 Pennsylvania Avenue NW, Washington, DC 20408, shall apply and are hereby incorporated by reference in this rule. This rule does not incorporate any subsequent amendments or additions.

2. Exceptions to paragraph (3)(A)1. of this rule are—

- A. Those provisions which are not delegable by the U.S. Environmental Protection Agency (EPA);
- B. Sections 61.04, 61.16, and 61.17 of subpart A;
- C. Subpart B;
- D. Subpart H;
- E. Subpart I;
- F. Subpart K;
- G. Subpart Q;
- H. Subpart R;
- I. Subpart T; and
- J. Subpart W.

(B) The subparts of 40 CFR 61 incorporated by reference in subsection (3)(A) of this rule are—

Subpart	Title
C	National Emission Standard for Beryllium
D	National Emission Standard for Beryllium Rocket Motor Firing
E	National Emission Standard for Mercury
F	National Emission Standard for Vinyl Chloride
J	National Emission Standard for Equipment Leaks (Fugitive Emission Sources) of Benzene
L	National Emission Standard for Benzene Emissions from Coke By-Product Recovery Plants
M	National Emission Standard for Asbestos
N	National Emission Standard for Inorganic Arsenic Emissions From Glass Manufacturing Plants
O	National Emission Standard for Inorganic Arsenic Emissions From Primary Copper Smelters
P	National Emission Standard for Inorganic Arsenic Emissions From Arsenic Trioxide and Metallic Arsenic Production Facilities
V	National Emission Standard for Equipment Leaks (Fugitive Emission Sources)
Y	National Emission Standards for Benzene Emissions From Benzene Storage Vessels
BB	National Emission Standards for Benzene Emissions From Benzene Transfer Operations
FF	National Emission Standard for Benzene Waste Operations

(4) Reporting. Reporting requirements are specified in each federal regulation [adopted] incorporated by reference.

(5) Test Methods. Test methods are specified in each federal regulation [adopted] incorporated by reference.

*AUTHORITY: section 643.050, RSMo Supp. 2013. Original rule filed Dec. 10, 1979, effective April 11, 1980. For intervening history, please consult the Code of State Regulations. Amended: Filed Oct. 7, 2016.*

*PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

*PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate. The private entity fiscal cost impacts for compliance with the federal standards are accounted for in the federal rulemakings.*

*NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: A public hearing on this proposed amendment will begin at 9:00 a.m., January 31, 2017. The public hearing will be held at the Elm Street Conference Center, 1730 East Elm Street, Lower Level, Bennett Springs Conference Room, Jefferson City, Missouri. Opportunity to be heard at the hearing shall be afforded any interested person. Interested persons, whether or not heard, may submit a statement of their views until 5:00 p.m., February 7, 2017. Send online rule comments via the proposed rules webpage at [www.dnr.mo.gov/proposed-rules](http://www.dnr.mo.gov/proposed-rules), email rule comments to [apcprulespn@dnr.mo.gov](mailto:apcprulespn@dnr.mo.gov), or email plan comments via the program website noted above. Written comments on both rules and plans can also be sent to Chief, Air Quality Planning Section, Air Pollution Control Program, PO Box 176, Jefferson City, MO 65102-0176.*

**Title [11]7—[DEPARTMENT OF PUBLIC SAFETY]  
DEPARTMENT OF TRANSPORTATION  
Division [30]60—[Office of the Director] Traffic and  
Highway Safety Division  
Chapter 3—Driver Improvement Program**

**PROPOSED AMENDMENT**

*[11 CSR 30-3.010] 7 CSR 60-3.010 Approval.* The Missouri Highways and Transportation Commission is amending sections (1)–(5) and (8)–(9) and moving this rule from 11 CSR 30-3.010 to 7 CSR 60-3.010.

*PURPOSE: This proposed amendment updates the driver improvement programs mandated by section 302.302, RSMo.*

*PUBLISHER’S NOTE: The secretary of state has determined that the publication of the entire text of the material which is incorporated by reference as a portion of this rule would be unduly cumbersome or expensive. This material as incorporated by reference in this rule shall be maintained by the agency at its headquarters and shall be made available to the public for inspection and copying at no more than the actual cost of reproduction. This note applies only to the reference material. The entire text of the rule is printed here.*

(1) The [director of] Missouri Highways and Transportation Commission designates the Missouri Department of [Public Safety designates the] Transportation’s Traffic and Highway Safety Division [of Highway Safety] as the agency receiving applications and [recommending] approving or denying [approval based upon established rules. The director shall retain approval authority] applications. The 2016 Driver Improvement Program Provider Application is available from the Missouri Safety Center, Humphreys Bldg., Suite 200 Warrensburg, MO

**64093-2324; which is incorporated herein by reference and made part of this rule. This rule does not incorporate any subsequent amendments or additions to this publication.**

(2) Applications to be submitted for driver improvement program approval shall be filed with the division upon forms promulgated and approved by the division's director. The applications shall be forwarded to the *[Division of] Traffic and Highway Safety Division, P[.]O[.] Box [1406] 270, Jefferson City, MO 65102.*

(3) The application shall include submission of course outline, instructor qualifications, and an assessment of training aids and facilities used by the program. Approval will be based on *[accumulation of points in the area.] conformance with standards set forth by the National Safety Council's eight- (8-) hour "Defensive Driving Course". The 2014 NSC Driver Safety Training DDC 8/6, 9th Edition standards are established by the National Safety Council, 1121 Spring Lake Drive, Itasca, IL 60143-3201; which is incorporated herein by reference and made a part of this rule. This rule does not incorporate any subsequent amendments or additions to this publication.*

(4) *[No] A driver improvement program shall submit [sufficient] documentation showing the program continues to be qualified for participation in the driver improvement program to the division no sooner than two (2) years and six (6) months nor later than two (2) years and eleven (11) months from date of initial approval for review reapproval. A [Missouri] Traffic and Highway Safety Division [of Highway Safety] approved refresher course must be satisfactorily completed by each instructor within each three- (3-)[-] year period. Each approval shall not exceed three (3) years and may be withdrawn with thirty- (30-)[-] day notice if it has been determined that the approved program varies significantly from the material submitted for approval.*

(5) An approval certificate shall be issued by the *[Department of Public] Traffic and Highway Safety Division* and shall be signed by the division's director or their designee upon satisfactory compliance of approval procedures and established criteria for driver improvement programs.

(8) The division shall review applications for approval of driver improvement programs *[and submit recommendations to the director within fifteen (15) working days of receiving a completed application with all necessary documentation].*

(9) An approval certificate shall be issued or denied within *[eighteen (18)] forty-five (45)* working days of receiving a completed application with all necessary documentation.

*AUTHORITY: section 302.302.4, RSMo [1986] Supp. 2013. Original rule filed Oct. 15, 1986, effective Jan. 12, 1987. Amended and moved: Filed Oct. 17, 2016.*

*PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

*PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Department of Transportation, Pam Harlan, Secretary to the Commission, PO Box 270, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

## Title 20—DEPARTMENT OF INSURANCE, FINANCIAL INSTITUTIONS AND PROFESSIONAL REGISTRATION

### Division 2095—Committee for Professional Counselors Chapter 1—General Rules

#### PROPOSED AMENDMENT

**20 CSR 2095-1.020 Fees.** The board is amending subsection (1)(D).

*PURPOSE: The Division of Professional Registration and the Committee for Professional Counselors are statutorily obligated to enforce and administer the provisions of Chapter 337, RSMo. Pursuant to section 337.507, RSMo, the board shall, by rule and regulation, set the amount of fees authorized by Chapter 337 so that the revenue produced is sufficient, but not excessive, to cover the cost and expense to the board for administering the provisions of Chapter 337, RSMo.*

(1) The following fees are established by the Committee for Professional Counselors and are payable in the form of a cashier's check, personal check, or money order:

(D) Biennial Renewal	\$ 75.00
<b>1. Effective April 1, 2017 to June 30, 2019</b>	<b>\$ 50.00</b>
[1.]2. Renewal received 1–60 days late	\$ 50.00
[2.]3. Renewal received 61 days–2 years late	\$100.00

*AUTHORITY: section 337.507, RSMo Supp. 2013, and section 337.520.1(2), RSMo 2000. This rule originally filed as 4 CSR 95-1.020. Original rule filed Oct. 16, 1986, effective Jan. 30, 1987. For intervening history, please consult the Code of State Regulations. Amended: Filed Oct. 17, 2016.*

*PUBLIC COST: This proposed amendment will cost state agencies approximately two hundred sixty thousand seven hundred fifty dollars (\$260,750) from April 1, 2017 to June 30, 2019. It is anticipated that the costs will recur for the life of the rule, may vary with inflation, and are expected to increase at the rate projected by the Legislative Oversight Committee.*

*PRIVATE COST: This proposed amendment will save private entities approximately two hundred sixty thousand seven hundred fifty dollars (\$260,750) from April 1, 2017 to June 30, 2019. It is anticipated that the costs will recur for the life of the rule, may vary with inflation, and are expected to increase at the rate projected by the Legislative Oversight Committee.*

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Committee for Professional Counselors, PO Box 1335, 3605 Missouri Boulevard, Jefferson City, MO 65102-1335, by facsimile at (573) 751-0018, or via email at profcounselor@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this rule in the Missouri Register. No public hearing is scheduled.*

**PUBLIC FISCAL NOTE**

**I. RULE NUMBER**

**Title 20 - Department of Insurance, Financial Institutions and Professional Registration**  
**Division 2095 - Committee for Professional Counselors**  
**Chapter 1 - General Rules**  
**Proposed Rule 20 CSR 2095-1.020 - Fees**

**II. SUMMARY OF FISCAL IMPACT**

Affected Agency or Political Subdivision	Estimated Loss of Revenue	
Committee for Professional Counselors		<b>\$260,750</b>
	<b>Estimated Total Loss of Revenue for April 1, 2017, to June 30, 2019</b>	<b>\$260,750</b>

**III. WORKSHEET**

See Private Entity Fiscal Note

**IV. ASSUMPTION**

1. The total loss of revenue is based on the cost savings to private entities reflected in the Private Fiscal Note filed with this rule.
2. The committee utilizes a rolling five-year financial analysis process to evaluate its fund balance, establish fee structure, and assess budgetary needs. The five-year analysis is based on the projected revenue, expenses, and number of licensees. Based on the board's recent five-year analysis, the committee voted on a reduction in individual biennial renewal fees for professional counselors.
3. The above figures are based on FY 2017 actuals.

## PRIVATE FISCAL NOTE

## I. RULE NUMBER

**Title 20 - Department of Insurance, Financial Institutions and Professional Registration**  
**Division 2095 - Committee for Professional Counselors**  
**Chapter 1 - General Rules**  
**Proposed Rule 20 CSR 2095-1.020 - Fees**

## II. SUMMARY OF FISCAL IMPACT

Estimate the number of entities by class which would likely be affected by the adoption of the proposed amendment:	Classification by type of the business entities which would likely be affected:	Estimated savings for compliance with the amendment by affected entities:
5,215	Biennial Renewal Fee (Renewal Fee - \$25 decrease for 2 renewal periods)	(\$260,750)
	<b>Estimated Total Cost Savings for April 1, 2017, to June 30, 2019</b>	<b>(\$260,750)</b>

## III. WORKSHEET

See table above.

## IV. ASSUMPTION

1. The figures reported above for renewals are based on FY17 actuals.
2. It is anticipated that the total cost savings will recur for the life of the rule, may vary with inflation and is expected to increase at the rate projected by the Legislative Oversight Committee.

**Note:** The committee is statutorily obligated to enforce and administer the provisions of Chapter 337, RSMo. Pursuant to section 337.507, RSMo the committee shall by rule and regulation set the amount of fees authorized by sections 337.500 to 337.540, RSMo at a level to produce revenue which shall not substantially exceed the cost and expense of administering sections 337.500 to 337.540 RSMo.